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Thomas R. Marshall

Recollections of
THOMAS R. MARSHALL

Vice-President and Hoosier Philosopher

A HOOSIER SALAD

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To

THE TWO WOMEN WHO WERE UNINJURED IN THE
FALL OF EDEN,
MY MOTHER AND MY WIFE,
I LOVINGLY DEDICATE THIS BOOK.

*“To make a perfect salad
There should be a spendthrift for oil,
A miser for vinegar,
A wise man for salt,
And a mad-cap to stir it up.”*

FOREWORD

THIS book is not intended to turn the tides of history nor to change the opinion of men as to the great things which took place when I was in public life. It has been written in the hope that the Tired Business Man, the Unsuccessful Golfer and the Lonely Husband whose wife is out reforming the world may find therein a half hour's surcease from sorrow.

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RECOLLECTIONS

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CHAPTER I

IF ONE be justified in reasoning from analogy and giving credence to public records and private documents, then it is safe to assume that I must have had remote ancestors. Who they were, whence they came, I can not say. That they went the way of all the earth is beyond doubt. I have known people who told me they could trace their ancestry back to Colonial days, and I do not doubt the statement. I have met others who seemingly believed that they could trace their origin to the days of William the Conqueror. This I was willing to concede for the benefit of their self-respect. The strange thing which I have observed about genealogy is the number of people, wholly incompetent, who are quite convinced that they came from those who wrought mightily in war or peace. Believers in heredity, they are living arguments against the theory. To listen to the stories of inurned greatness, one would be almost compelled to believe

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that some time in the distant past all the good corpuscles in the human race were separated from all the bad ones, and that these people were the descendants of the perfectly healthy, normal and world-compelling corpuscles. Well, it may be so, and he is a mean man who would deprive anybody of the pride of ancestry, if that be all he has. There is not a warrior who did not spring from Achilles, nor a king who did not come from Agamemnon, if mere tradition and family rumor are to be taken as evidence. Those who have seen better days are more numerous than those who see them now.

From the distaff side of the house comes my Presbyterian faith. That does not necessarily make a good man, but it makes a religious one. In my boyhood days I heard a minister of this creed preach a sermon tracing backward its origin. He was not content to let John Calvin have the credit. He disclosed to his entire satisfaction that St. Patrick was a Presbyterian. He proved beyond a doubt all the early Christian fathers were of that faith. He made an unanswerable argument that Jeremiah and Isaiah and Moses and Abraham and Noah were Presbyterians, and he wound it all up by adducing evidence and deducing therefrom that Adam was also one of the elect. He came home with us to dinner, and with that lifelong trait of mine of being found in the opposition, I

ADAM WAS A METHODIST

ventured to suggest to him that he was in error; that Adam was a Methodist—that this was clearly shown by reason of the fact that he fell from grace. Had he been a Presbyterian, and one of the elect, all of us would still be in the Garden of Eden. Now, up to that time, by virtue of my religious upbringing, I was rather in hopes that my remote ancestor was a glibble gentleman by the name of Adam, but this sermon spoiled it, and I have no hope from my mother's side that my line leads back to Eden.

So far as I know I am the only man of my name who does not trace his origin directly or collaterally to the great chief justice. Whether some time in the past his blood and mine mingled in somebody's veins I do not know, and, with the utter recklessness of a Hoosier, I do not care. If it were so, in my opinion he did not treat Thomas Jefferson quite as kindly as he should have done. But if I were to believe family tradition, Chief Justice Marshall is but an infant in the line; I mean, if I were to believe what an impecunious relative of mine told me. Out of a job, on his uppers, with nothing to do, he sought a position. He did not want a job. In the course of our conversation mere manual labor was disclosed to be, as he thought, beneath the dignity of our race. He said there was no doubt whatever that we could trace our origin back to William Earl Marechal, who was in

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charge of the stables of King John, and who saved the French king from stealing Magna Charta after it had been wrested by the barons from an unwilling sovereign. This gave me an idea, and I offered to get him a job in the livery stable and let him start the line anew on its illustrious career. He disdainfully refused, borrowed ten dollars and disappeared from my vision.

Yes, ancestry is a great thing. Few people can get along without it. It seems to be an absolute household necessity. It softens the blows of fortune and makes many a bow to bend under the pull of adversity which otherwise would break. The city of Washington is full of ancestry. It is a ghost town. They have no titled deeds to house or lands. "Owners and occupants of earlier days, from graves forgotten, stretch their dusty hands and hold in mortmain still their old estates." When I went there these spirits of the illustrious dead, locking arms with the unillustrious living, almost jostled me off the pavements.

Since the days of John Adams there has been a dread and fear that some vice-president of the United States would break loose and raise hell and Maria with the administration. Everything that can be done, therefore, is done to furnish him with some innocuous occupation. They seek to put him where he can do no harm. Among the other nameless, unremembered



His Parents

TRACING PREHISTORIC MAN

things given him to do is the making of him a regent of the Smithsonian Institution. There, if anywhere, he has an opportunity to compare his fossilized life with the fossils of all ages. The other regents are usually distinguished men of affairs. I found, among others, when I attended the first meeting, Chief Justice White, Alexander Graham Bell, Justice George Gray, Senator Henry Cabot Lodge, and others of like caliber. The agenda was taken up and I maintained a modest silence until an appropriation of money for an expedition to Guatemala was up for consideration. Now, the mere mention of money arouses my interest, particularly when it runs into thousands of dollars. I am not used to computing it in such large denominations. So I ventured to inquire for what it was proposed that the expedition should spend these thousands of dollars. I was informed that it was to excavate among the ruins of that country in the hope of finding some trace of prehistoric man. [With the breezy manner of a breezy state I ventured to inquire whether they had dug in Washington yet. A look of amazement came over the countenances of all these distinguished gentlemen, and somebody asked me what I meant. The reply was that from some of the specimens walking the streets I thought they would not need to go more than six feet down to discover the prehistoric man. And then the utter uselessness and

RECOLLECTIONS

frivolity of the vice-presidency was disclosed, for not a man smiled. It was a year before I had courage to open my mouth again.

As I know nothing about them, and am endeavoring to write as nearly a veracious story as a light-hearted Hoosier possibly can, I have ceased to pay any attention to, or worry about, remote illustrious but forgotten ancestors. For a long while I had a very friendly feeling for that marshal of Napoleon who, at a levee one morning, had listened to the degenerate courtiers bragging about their distinguished ancestors, and who, when finally asked as to whom his were, threw himself back with the mien that might well have become a conqueror and said, "I am, myself, an ancestor." But now that under the providence of God even that has been denied me, I content myself with the satisfaction of knowing that I must have had remote ancestors, although I never knew them, and that I shall not be responsible for anything that happens to the world when my footfalls pass the boundary of this and begin to echo in another sphere.

I do know, however, that I had some immediate ancestors. I knew my father's father, and it is my acquaintanceship with him that gives me pause in rendering unqualified assent to the Darwinian theory. He was a country gentleman who came out of old Virginia to Indiana the year after the territory was

ONE OF THE PIONEERS

admitted to statehood. Whether he belonged to the first families, the second families, was just well spoken of, or was downright white trash, I am unable to say. He told me his father had freed the few slaves he owned at the time Randolph of Roanoke manumitted his slaves. This statement to me, corroborated by the statement of his older brother, was supplemented by the information that before the slaves knew they were free this older brother stole a colored boy and girl and a team of mules and went to Missouri where, at the outbreak of the Civil War, he was the owner of a plantation and some three hundred slaves. It was when this fratricidal conflict began and when it was perfectly evident to thoughtful people that the institution of human slavery was doomed, that I heard repeated the famous reply of Anne of Austria to Cardinal Mazarin:

“God does not pay at the end of every week, but He pays.”

My grandfather was one of the pioneers and pathfinders. He came to Indiana when it was a primeval forest. He had only youth, a stout heart, a sharp ax, a young wife and courage. He lived before the day of congressional appropriations. It took him six weeks to get here from Virginia. How foolish he was not to have waited until now! Beyond a doubt, if he had delayed his coming this long the government would

RECOLLECTIONS

have sent him in a Pullman car. My father, looking up through the leaves of an almost impenetrable forest, first saw the stars. He was one of nine children, all of whom were taught to work.

Some time since I inspected the new Indiana reformatory. The warden is a thoughtful man. I said: "What is the principal reason why these bright-faced young fellows are here?" His answer startled me. He said the great majority of them had fallen into evil ways; had become criminals because in their boyhood days they were neither taught any useful calling nor compelled to do any labor; that they were just pampered children who, when they left the home nest, knew no way to earn a livelihood; were disinclined to do any work, and consequently became victims of idle and vicious associates.

Prophecy on human conditions is about the most useless and uncertain thing in which a man can engage, but the old saw, "Satan finds work for idle hands to do," is quite likely true. If we can only succeed in passing the so-called Child Labor Amendment to the Constitution of the United States we shall not lack for a crop of young criminals at any time in the future.

My grandfather became the first clerk of Grant County, Indiana, and the courts were held in his house for several years. School facilities were meager; op-

A EUGENIC TREK

portunities for educational improvements were few. My father grew to manhood in this environment and then, because he met with an accident, turned to the study of medicine. In this science he was fortunate enough to obtain as good an education as that age afforded.

I never knew my grandparents on my mother's side. She and they were Pennsylvania born, and her humorous side led her to tell me that they trekked across the Alleghany Mountains and settled in Ohio for the reason that the county in Pennsylvania in which they lived had only four families and they were intermarrying until there was danger that some man would have an imbecile for an ancestor. My mother's parents died in Ohio, the victims of the medical ignorance of the times. They had bilious fever. The doctor refused to permit them to drink water, and they literally burned to death. My mother came to Marion, Indiana, to visit a sister, and there she and my father were married.

I have met nearly all of the great men and women of America who have been prominent in the last forty years; I have seen and conversed with a great many of the illustrious ones from across the sea, and I do not hesitate to place the wreath upon the tomb where rest the ashes of my father and my mother. Among all the sons and daughters of men that I have known,

RECOLLECTIONS

there have been many of larger vision; many of finer education; many of more potent influence in the affairs of men, but there have been none with finer spirits, if consecration to duty, love of humanity and veneration of God are to be the marks of the perfect man and the perfect woman.

CHAPTER II

BALZAC has written an interesting story around the life of a country doctor. Other efforts of like character have been made. And yet, I doubt if it be possible for the pen of man really to embalm in words the trials and incidents of such a life. Indeed, it would be almost a useless task to undertake the writing of it, for it is not worth while for one to read that which he can not visualize with some of his own personal eyesight. The state of Indiana has produced a long and illustrious line of men skilled in the art of statecraft. These have done mighty things in the name of democracy. Her poets have sung immortal songs. Her lawyers have ranked high in the annals of American jurisprudence. Her sons and daughters who have been interested in human welfare have striven mightily for the betterment of social conditions, and have achieved. Her men of business have been enterprising, forceful and successful. Her scientists have penetrated the hidden mysteries of nature. And yet I think, if service is to be the true mark of greatness in a people, all these other wonders of a wondrous age and state must pale into insignif-

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icance beside the service and sacrifice of the country doctor. Who now remembers the conditions under which he sought to minister to minds and bodies diseased? Who now, by any stretch of the imagination, can bring to view the awful roads, the inhospitable houses that were called homes, the lack of furnaces, bathrooms, hot water, electricity, gas; mud everywhere; cracks in the houses everywhere; children waking in the morning with their blankets covered with snow; huge fireplaces, where you roasted on one side and froze on the other? And add to it all a malarial climate. Chills and fever—fever and chills. Day in and day out, night in and night out, storm and sunshine, the country doctor went his rounds.

There is a good deal in this heredity business, I assume, but there is a good deal in environment. I might be a Democrat because my father was one, and that would have been a good enough reason. He was patriotic and conscientious, and that would have been justification for me. But I have often thought that environment had something to do with making me a member of the Democratic party. There are some things we are trying to do that we shall never succeed in doing by political methods. We can not change the hearts of men by political theories. No dogma of democracy can make out of an egotist a humble man. Whether by heredity or environment, men

THANK GOD FOR BREAKFAST

unconsciously arrive at a state of democracy or a state of autocracy. In the little country town where we lived everybody had the ague. We had one man of domineering character and predatory wealth. He owned his own home and he must have had two thousand dollars on interest. This man felt himself better than the rest of us, and so when the long summer came around and malaria seized us all in its fatal grasp this man had what was known as third day ague; that is, he shook with chills every third day. He was an aristocrat. The rest of us shook every other day. We were democrats. Such an environment as this, regardless of my father's political views, would have necessarily made me a member of the Democratic party.

Ours was no different from the average home in that community. I shall not soon forget how the days began. First, we had a long Presbyterian prayer, that began in Indiana and ended in China. That was as far east as we had geographic knowledge. Then we had a teaspoonful of quinine and then we had breakfast. The years have gone by; prayer and the quinine have disappeared but, thank God, we have breakfast.

I remember how my growing mentality reasoned about this question of disease. So far as I knew, nobody died save from the effects of malaria. It was natural, I think, for me to conclude that if in some

RECOLLECTIONS

way we could get rid of the malaria nobody would ever die. The particularly good would perhaps be transported to Heaven in a chariot, and those who were not so good would just dry up and blow away.

Well, we ditched and we drained, and we passed our sanitary and health laws, and we began to get better homes and more comforts and conveniences, and the ague disappeared. But just as the country doctor disappeared from the scene of active life in Indiana the new-style physician discovered that the human race had been improperly made; that when man was completed, just for the purpose of annoying him, they added to him an appendix, and straightway an era of cutting began. We have been cutting them out and cutting them out ever since. Some people are vain enough to imagine that when the last appendix shall have disappeared out of the book of human life humanity will be healthful. But I am an agnostic. I venture to guess that when the appendices have disappeared the doctors will find something wrong with the table of contents.

The old-fashioned country doctor had an idea that it was his business, in so far as he could with calomel, quinine and Dover's powder, to minister to the ills of humankind. He assumed that when need called it was his business to answer. It was never too late at night, nor too stormy, for him to go, and it made but slight

GATHERING MANNA

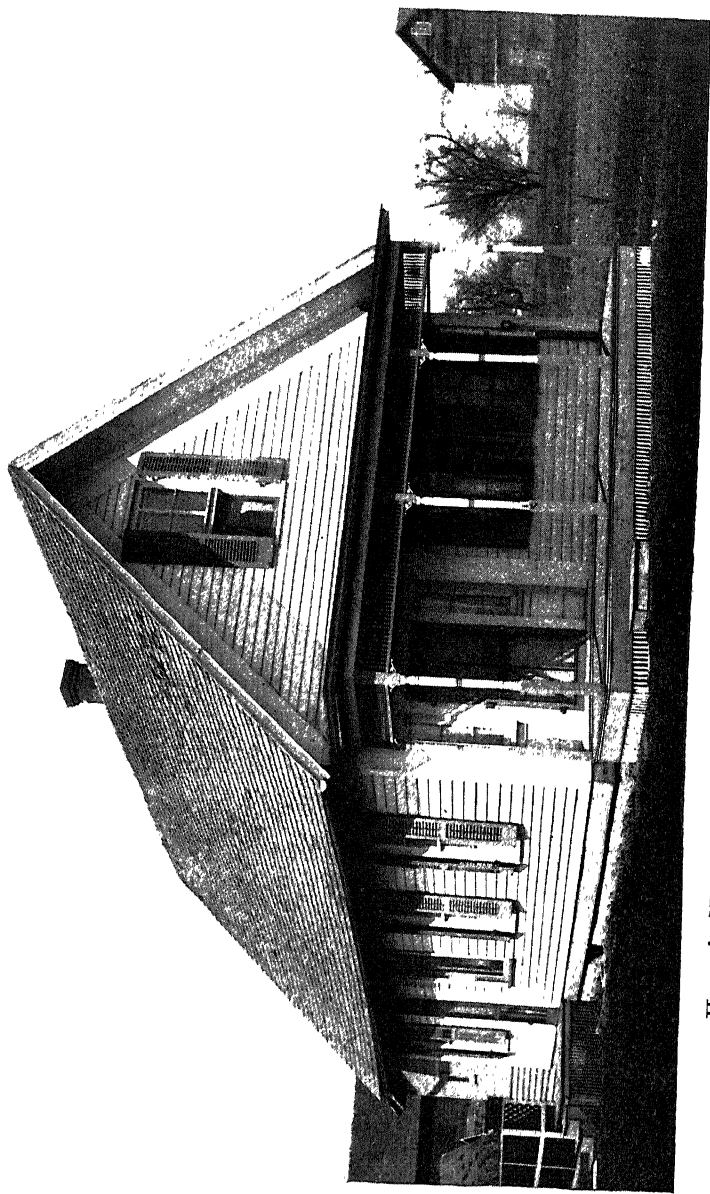
difference whether he ever received any compensation for it or not. In our country home we had a hotel annexed to the house. The table was never spread for less than twelve. It took a cook, a maid and my mother, as general manager, to feed my father's patients. They always arrived in a drove about eleven-thirty A. M., and after having twenty-five cents' worth of quinine pills charged they would come in and eat a dollar's worth of food. Indeed, I have never been able to figure it out how my father succeeded in running his establishment, but some way he did. During the War between the States no soldier's family was ever charged a cent for services, and the widow of a Union soldier never paid a penny. If my father had only known that the Supreme Court of Indiana would decide that a doctor was under no obligations to attend a patient who had not the money to pay, he could have accumulated enough money and left it to me so that at the opportune time I could not only have bought Teapot Dome, but the teapot also. But his early education was neglected. He did not have sense enough to know that his was a money-making business, and that all he was expected to do was to dole out so many prescriptions for so many dollars. Yet I am of the third generation, all with a like history; all children of Israel, wandering in the wilderness toward the promised land; all people gathering manna for a day;

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all seeing it spoil if they gather more than they can use.

These old country doctors were not only inquisitive, but they were ingenious. If a man broke a leg they took a couple of shingles, reduced the fracture, tied the shingles on each side, put his foot up in bed, stringing an iron on a rope to keep his leg pulled out straight. If they found a child suffering from diphtheria they had no hesitancy in slashing into the throat, opening the wind pipe, keeping it open with a couple of fish hooks if there was nothing better to be found. They were the forerunners, too, of these splendid scientific doctors of to-day. I well remember, as a boy, looking through a microscope into the abdomen of a dead man and seeing all sorts of squirming worms. My father wrote to inquire whether anybody knew what it was. It was said that the man had eaten raw pork a few days before his death. In the same medical journal in which his inquiry appeared, appeared also the discovery of trichinosis. An epidemic of typhoid fever was traced to one dairy by the process of eliminating every article of food used until all of the cases were shown to have received milk from this one dairy.

Each age for itself, and each man for his age. I would not go back to the old times. I recognize the accuracy of the scientific investigation of the present



House in North Manchester, Indiana, in which Thomas R. Marshall was born

THE FAMILY DOCTOR

time; I am asking for no more country doctors; but I have taken off my hat in grateful love and veneration for that innumerable company which helped to bring Indiana out of its primeval into its cultural state. And yet, there is just one regret. It is the regret that with the country doctor has also disappeared the old family physician—the man who knew your peculiarities, your idiosyncrasies and your life. He was as much bound up in your destiny as your minister or your lawyer. He was adviser, counselor, friend. If I could rehabilitate him, put him in every community in America, get him to be my friend, I could be elected to any office within the gift of the people. It is nothing against science; nothing against these specialists; nothing against their accuracy, and it is not regret over the fees that we pay, but I do sometimes long to have an old family doctor that could really find out what is the matter with me without passing me down the line of from fifteen to twenty experts that know about an inch of the human anatomy, and know no more,

CHAPTER III

IN THE year prior to the admission of Indiana into the Union, George Rapp sold his land in Pennsylvania and established what he purposed should be a communistic or socialistic settlement, at the place now known as New Harmony. Believing himself to be a reformer in religion, he thought to carry out his faith in a civil government. He did not stop with the Roman Catholic requirement of celibacy on the part of its priesthood, but he proceeded further than this and enjoined it upon all of his followers. He had reasoned out to his own satisfaction that in the beginning man had a dual nature, and that if that nature had only continued the race would have been propagated without the aid of women. He may have obtained his idea upon this subject from the ancient belief of some of the early fathers, that God was both male and female, because the dual number in the Greek language was used in describing Him. He was a bit more honest than some of our modern socialists and communists, for he knew and acknowledged that equality of service and equality of reward could never be made effective

SENSE AND CELIBACY

in the world where the family existed, and it was for this reason that he imposed his injunction of celibacy. Like most of these gentlemen who are willing to do good if it costs them nothing to do it, he was quite careful not to transfer the management, ownership and disposition of his property to the community at large. He kept it in his own control, and in order to have a hold upon his people he, from time to time, had divine revelations. Whatever he may have learned in vision about religion, his common sense taught him to hold on to his property. And when he found that neither his faith nor his visions were making self-sacrificial and humble people, filled full of love, religious fervor and all the virtues, notwithstanding the enforcement of the rule of celibacy, and in spite of the maintenance of separate quarters for men and women, he was moved to sell out his experiment and return to Pennsylvania. And there, disclosing an example of prosperity and wealth, which the community had accumulated to the amount of from ten to twenty million dollars, but to which he held the title, he died. His estate was involved in litigation, and his experiment there also failed.

Robert Owen bought his New Harmony plant. He was the first and greatest social worker, but he left one element out of his experiments and out of his own life, which omission, in my judgment, would have

RECOLLECTIONS

produced failure had nothing else intervened. He had no religion in it. He denounced and swept aside all forms of it. He was the first great protagonist of environment. He had convinced himself that as a man had nothing to do with coming into this world he had nothing to do with his character; that it was manifestly fair, therefore, that his character should be made for him and not by him; that he was inevitably the creature of circumstances. And from this premise he reached the conclusion that if you surrounded the man with proper influences, physically he would develop into a perfect animal; morally he would develop into an upright man, and socially he would develop into a socialist. Perhaps no experiment ever had at the head of it finer purpose, greater material wealth, larger opportunity or more learned men than the "boatload of knowledge," as it has been called, which came to New Harmony with Owen. This experiment is crowded so full of incidents and interests that the story has been told by many people, and has even furnished the pages of an historical novel. Of course it failed, as such experiments will always fail until the individual loses the sense of his importance, is totally deprived of his desire to get on in the world, has no more care and affection for his wife and his own children than he has for any of the others of the human race.

DOG-GONE YOU, LAUGH!

This brief reference to New Harmony and the communistic experiment there made, is only cited for the purpose of calling attention to Owen's view touching environment.

Everybody says that the Hoosier is and always will be different from other people. Like the street gamin, with fighting proclivities, he has at least hammered his way into a certain equality of leadership. When I was a boy the story was frequently told of a crowd of gentlemen sitting around the open fire in one of the New York clubs, on a stormy evening. It was an hour when the memories of childhood found expression. One man spoke of his New England home; another, of his childhood in Virginia; a third, of the days that he spent in Lord Baltimore's shooting lodge; and so on, from the various parts of the Union. But one man sat silent. He gazed into the glowing coals, and at last they said to him, "Where do you come from?" And his reply was: "I came from Indiana. Now, dog-gone you, laugh!"

The usual rule is for children to be ashamed of their parents. Of course, there are glorious and praiseworthy exceptions to the rule, but ordinarily the successful man or woman wastes but little time in telling about father and mother. Usually they are old-fogy, old-fashioned, illiterate and out of date. The reverse of this is generally true of the "old

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folks.” They are pretty proud of their children; they can stand almost anything but a slighting suggestion about them. One of the most charming and altogether enjoyable women in America is Mrs. Carl Vrooman. She is the daughter of Mrs. Matthew T. Scott, who was at one time President-General of the Daughters of the American Revolution, and she is a niece of former Vice-President Stevenson. Her husband, who was Assistant Secretary of Agriculture for a while in the Wilson administration, is a most capable, competent and honorable gentleman, of fine education. At one time he was a candidate for representative in the Congress of the United States. Mrs. Vrooman went with him during the campaign. Somebody had told her that the way to make votes was to manifest a deep interest in children. So, one day, when they were at the home of a prominent Democrat, the wife came in, bearing in her arms a baby boy suffering with hydrocephalus. Mrs. Vrooman, awake to the opportunity of the occasion, and unaware of the disease, exclaimed: “My! What a head!” Whereupon the mother snapped out: “The doctor says he’ll get over it!” And Carl ran behind the ticket in that precinct. Yes, it is very rare that a parent is not proud of its offspring, regardless of any reason therefor.

Now, it so happened that the Hoosier did not come

MOLDING THE HOOSIER

from another planet, nor even from another continent. The vast majority of them, up to 1850, came from the older states of the Union. The commonwealth was and is, yet, indeed, two states. The old National Road that ran from Wheeling to St. Louis, a part of which is Washington Street, in the city of Indianapolis, is really the dividing line between these two states. South of that line the vast majority of people who came in were from Virginia, the Carolinas and Kentucky.

It was into that southern half of the state that Thomas Lincoln came and brought with him his son, Abraham. Thomas may have had something to do with molding the Hoosier character, for, while he was lazy and shiftless, he was also somewhat of a philosopher, and when the last philosopher shall have disappeared the word "Hoosier" will mean no more to the common man than the characters upon a Rosetta stone. Thomas Lincoln built himself a house. He had a wall to the east, and a wall to the north, and a wall to the west, but he had none to the south. He said it never rained from the south, and when it was open the sun would help to keep it warm.

The northern part of the state was very largely settled by New Englanders, New Yorkers, Pennsylvanians, people from Ohio, to which were added, after the Revolution of 1848, vast numbers of liberty-loving

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Germans, who came with Carl Schurz to this country. The people were so anxious to have these sturdy, industrious, honest and honorable citizens that by the Constitution of 1852 they provided that any person who had been in the United States of America one year and the state of Indiana six months and had declared his intention to become a citizen, should be entitled to vote.

The southern part of the state was largely southern in thought; that is, it was quite inclined to let well enough alone while the northern part was always experimenting. When the subject of free public schools was up, two-thirds of the votes for it came from members north of this line, and two-thirds of the votes against it came from members south of this line. There is, or was, in a graveyard in southern Indiana, a tombstone bearing the inscription, "Here lies the enemy of the Public School System of Indiana." I shall not name him but I suspect he had some intellectual connection with old Governor Berkeley, of Virginia. I am quite sure that he believed the statement of a corn-fed Hoosier philosopher, that when you make scholars out of all the school, school is out. But, whether north or south of the line, Indiana was populated by people from the older states of the Union. We may have fallen into disrepute through being judged by what is commonly known as

LOW WHITE TRASH

the "low white trash," although this band of adventurers did not long stay in the state, because to live and thrive in Indiana, in the early days, required courage, constancy, service and sacrifice. One of the little weaknesses of human nature is to have a contempt for what, prior to the Civil War, in the South, was known as the "white trash." Contempt for this species even extended to the slave.

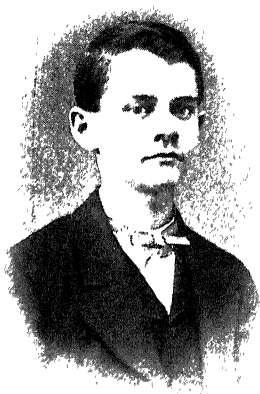
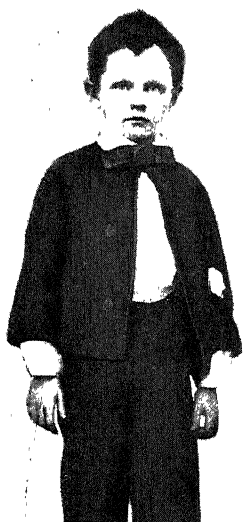
There is, in the Senate Barber Shop, in Washington, an old colored man, by the name of John Sims. He is a mild-mannered, Christian man. He was a slave and was left at home by his master to look after the plantation. He deserted and found his way into the Union lines. This was a rare thing for a family servant to do, and was looked upon as disgraceful conduct. And so, when a southern senator obtained the confession of his desertion from him, Sims had to justify himself by saying that he was loyal and faithful to his master and his master's family until the daughter of the house married a low white trash man, and he just couldn't stand it to wait on him, and so he deserted. If Sims' idea of the low white trash had any justification in fact, and if we were called Hoosiers because those who named us happened to fall into the company of these people, then, of course, nothing is to be said.

Whether Indiana afforded an environment of this

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kind is not for me to affirm or deny, but there is an environment which does not consist of churches and schools and homes and people and social standing and education. I am pleased to call it the environment of reputation. I have no reason for doing so, but I do believe that human success or human failure is about ten per cent. heredity and ninety per cent. environment; but I have also another theory, and that is that what the world knows as a bad environment may act as a stimulus to a man for the bettering of his condition. And so I make bold to assert that this environment of reputation which caused the Hoosier in early years to be laughed at, mocked at and spat upon, was the predisposing cause which induced him to say, "I will make of this mark of disgrace a badge of honor in the sight of the world."

No movement of purely human origin is ever entirely a success or completely a failure. Out of the New Harmony experiment, with the aid of many wise and far-seeing men elsewhere, chief among whom was Caleb Mills, known as the father of the common school system of Indiana, grew up the idea not only of co-education but of a system whereby every child in the state was to have his chance for a liberal education. From it came also the wise and beneficent laws which have always marked the statutes of Indiana with reference to woman and her property, and out of the



In Boyhood

THE TRAVELING LIBRARY

views of this experiment there started what was known as the traveling library. This was a box containing all of the English classics. It went to the township trustee, and the volumes could be taken by the citizens to read. Many reasons have been given for the remarkable record of this sneered-at state for its line of authors and orators. When nobody knows the real reason, mine is just as good as any one's. I attribute this literary fecundity and this facility of speech more to the traveling library than to any other cause. I have a personal illustration from which I largely derived the opinion.

I have heretofore referred to the fact that my father's literary education was slight, yet he availed himself of this traveling library and read great classics in the English language. A standing Democratic candidate, in an everlastingly Republican county, he was in large demand at political meetings. I have heard him begin in a halting manner and in thoroughly slipshod English. At the end of fifteen minutes he had either found himself or passed out of himself and into the realm of pure English, and for an hour he would speak as exact language as Addison ever wrote or Webster ever used.

Yes, the old state, as the days have come and gone, has struck a right good average. It has perhaps had no towering mountain peaks, but it has surely furnished

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as many first-grade second-class men in every department of life as any state in the Union. I remember once, in trying to satisfy a court of the qualifications of a certain doctor to speak as an expert, I asked him where he was educated, and his answer was, "On the ill health of Eel River." I remember later attending a Democratic State Convention, in a year when the prospects of the party were hopeless, but even that fact could not stem the oratory. One delegate, in nominating a candidate for treasurer of state, announced that he was about to name for that high and important position a gentleman who came from a city of beautiful churches, of well paved streets, of fine public buildings, nestling on the banks of Eel River; whereupon, another delegate interrupted by saying, "Name him! We're not in the real-estate business!" Subsequently another delegate announced, for another office, a man that he said lived on the banks of a river when Eel River was a creek.

It was upon the banks of Eel River, among such a people as I have imperfectly and briefly sketched, that I began my angry protest against life as it was, and am still keeping it up against life as it is.

CHAPTER IV.

WHAT we know about things that we know nothing about is the most remarkable part of our mental equipment and our education. The less we know the surer we are of our conclusions. It is only the man who has made a thorough study of a subject who hesitates to express an unqualified, absolutely certain opinion. Larger light upon any given question enables us to appreciate the attitude of the old German justice, in northern Indiana, who had submitted to him his first case for trial. After all the evidence had been introduced and the plaintiff's attorney had made his argument, then when the defendant's attorney arose and said, "May it please your honor—," the old justice interrupted, "Yoost sit down, he iss got it." "But," said the defendant's attorney, "I have a right, by the laws of this state, to argue this question to your honor, and I insist upon making my argument." The old justice leaned back in his chair, with a weary and disgusted look upon his face, and said: "Oh, vell, go ahead. Talk if you want to, but I tell you now, he iss got it." Not embarrassed nor

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driven from the discharge of that duty which he owed to his client, this lawyer proceeded to make his argument, and when he had concluded, a look of consternation passed over the face of the justice, and he said: "Vell, now, don't dot beat de dickens? He iss not got it now." And, somehow, I am inclined to believe that there are a great many opinions in life which, if the other side of the case were heard, would be radically changed. I hold no brief for the courts of the land. They are like all other human institutions—good, bad and indifferent—but they are presided over by men who have taken more or less pains to know something about both sides of the controversy; more than that, to know something about the most mysterious thing in life—human nature. We are not all impressed with the truth of the statement of the old woman in Ohio who said she didn't know much about "human natur'," but from what she did know she thought it was a "mighty narsty thing." It has two sides to it, the good and the bad side. And to have some knowledge of it is essential both to the practise of the law and to the dispensing of what we call justice, but which might, with more propriety, be declared to be the last guess of the last honest man as to what ought to be done under the circumstances.

Now, the untrained man who has not studied human nature, in its relations to crime at least, has

GUILTY OR NOT GUILTY.

no hesitancy in walking into a court room where a man is on trial for his life or his liberty, spending five minutes gazing at the alleged criminal in the box and walking out on the street and settling at once the question of his guilt or innocence. If the man happens to be of a sensitive nature, keen to feel disgrace, humiliated over the thought of what his father or mother, his wife or children are suffering while he is being tried for an alleged offense, he will avoid looking at the crowd. His head will be bowed and his conduct will be such as to convince the casual onlooker that he is guilty. So this onlooker goes out on the streets and says: "Of course that man is guilty! Just look at his hang-dog expression! Why waste the time of the jurors and the people's money in trying him? He ought to be taken out and hanged offhand!" Yet, if there be any such thing as chance in determining the guilt or innocence of a man from his looks, it is far greater that the man with the hang-dog expression is innocent and the man who looks you in the eye and denies his guilt with a smile, is quite likely to be guilty.

I have not forgotten a charming, cultured, debonaire young fellow, of about twenty-five years of age, coal black hair, piercing black eyes, and altogether a perfect specimen of manhood, who was tried for burglary. No evidence of guilt was in his appearance;

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smiling, gracious, courteous, he looked court and lawyer and jurors in the face and denied his guilt. He claimed to be a hundred miles away from the place where the burglary occurred. He had one of the most beautiful women I ever saw testify that he spent the evening with her and stayed until two o'clock in the morning. In some mysterious way the jury convicted him. I made a motion for a new trial. The judge postponed the hearing on the motion until the last day of the term of court, when he asked me to go with him to the county jail. When we arrived at the sheriff's office he ordered the sheriff to bring in the prisoner. When he came the judge said to him: "Jack, I have delayed ruling upon your motion for a new trial. I never have been so troubled about a case in my life. If the young lady told the truth you have been unjustly convicted and I ought to grant you a new trial. I am taking an unusual step. I have come down here, with your attorney, Mr. Marshall, to say to you that the question as to whether you shall have a new trial or not is put in your own hands. If you tell me the girl spoke the truth I will grant you a new trial. Did she tell the truth, Jack?" He hesitated for just a moment, and then he said: "Well, Judge, you're putting that up to my honor." The judge said, "Yes." "Well, then," said Jack, "she told a lie."

THE ALIBI GIRL

I might stop here to philosophize on the question of honor, but it is dangerous. Suffice it to say that nearly every man has his own code of honor. Even this burglar had his and would not avoid the penitentiary by telling a lie when it was put up to what he called his honor.

The judge expressed his amazement, called attention to the fact that the girl had been severely cross-examined by the prosecuting attorney, and that she had not been shaken in the least from the story she had told, and he ventured to ask Jack how that could be. The young man laughingly replied: "Well, Judge, you are a good lawyer, a good judge, a fair-minded man; treated me square; gave me every opportunity in the world; but you don't know much except law. Let me tell you that every gang of burglars in America has what is known as its alibi girl. We always pick her out for her good looks and her modest appearance, but we also always select her from that grade of intelligence which has just memory and no imagination. She is scarcely normal. You can tell her a story and she will swear to it and stick to it because she knows nothing else, and she hasn't imagination enough to add to or subtract from the story that is told her."

And so this man, who onlooker after onlooker had stepped out of the court room and said was an inno-

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cent man, turned out to be guilty, and because he had his code of morals took his punishment in the penitentiary.

This is only one of the peculiarities that has to do with the administration of human justice. Many ill informed people imagine and believe that the testimony given by witnesses in courts is very largely false and perjured, yet I think most lawyers will disagree with this view. The wilful, purposeful and deliberate telling of a falsehood in a court of justice is rare. Yet there is scarcely a case in which one or more witnesses do not testify honestly to facts and circumstances and things that are not true. This arises from what I am pleased to call suggestive memory. Witnesses listen to other people talk detailing their recollections—what they saw, what they heard—until when they come themselves to testify in court they are just about as likely to tell what they got from somebody else as to tell what they know themselves. And what is true of the courts is true also of all life. Not everything that is falsely told is false. Many a child has been whipped for being a liar when he only had imagination or was the victim of suggestion upon the part of another child. We shall have made a great advance in the accurate administration of justice when we shall have devised a plan to tell when a witness is really lying, when he is merely mistakenly

BY HIS ADAM'S APPLE

telling somebody's else story and thinks it is his own, and when he is telling what he really knows.

Most jury lawyers have their own theory as to how to spot a liar on the witness stand. This theory is made up from the observation of witnesses whom the lawyer believes have testified falsely. I developed a theory of my own. It was to the effect that you could tell a liar on the witness stand by his Adam's apple. Of course this did not apply to female witnesses. In the first place, they have no Adam's apple, and, in the second place, they have always had carte blanche to tell not only all they know but all they have heard and all they think and all they dream, and it is only a fool lawyer who has ever dared to cross-examine one of them. My theory was that no man could perjure himself upon the witness stand without swallowing on the lie, and his Adam's apple would bob up and down. So, we had a man in our county who had the reputation of not telling the truth, either on or off the witness stand. He was to appear one day in a case and I was to cross-examine him. The lawyers crowded in to test my measure of perjury. I am unable to say whether I discovered the way to tell a liar on the witness stand or not from the experience in this case, for when the man appeared on the stand he had a beard that not only covered his Adam's apple but most of the rest of his anatomy.

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But I do really believe in suggestive memory. There are a great many things which I believe that I know are not so; for instance, I believe that the Democratic party is always right. But there are other things which I believe and think them to be true. Yet some of them, I am quite sure, are recollections that have been suggested to me. In all sorts of places you will find people insisting that it was in their town that the first woman's club was organized. Now what really constituted a woman's club must necessarily be a matter of dispute, yet I recollect, before I was two years old, the women of my neighborhood gathering in what was known as my mother's parlor once a week and reading from the few current magazines of the day. I suppose I recollect this because I have been told about it, and if it is true and if it were really a woman's club, it comes pretty near being as old as any woman's club in America.

When I was two years of age my mother was threatened with tuberculosis and my father concluded to hook up a team of horses to what was then known as the democrat wagon, start west to the prairies of Illinois and try the open air treatment as a cure. Long afterward I asked him what put it into his head to try fresh air, raw eggs and milk for this trouble. He told me that in browsing around in the traveling library, to which I have heretofore referred, he found

BACK TO MOSES

a statement that six hundred years before the Christian era the Greeks took their weak lunged patients up into the mountains, let them sleep out-of-doors, gave them goat's milk, raw eggs and wine.

Our modern science is just discovering what was discovered long ago. Indeed, most of the new things along health lines date back to ancient days. Moses was a bacteriologist, and he forbade the eating of hog meat because he had discovered there was trichina in it. The Mosaic code is as good a health code as any state in the Union has yet passed.

Yes, civilization after civilization simply discovers things that people knew before. I never had anything to do with the patent law, but when any man thought he had invented something I sent it on to some patent attorney in Washington. I had a friend and client who was always inventing something, sending it to Washington and having a return made to the effect that it was not patentable because it was covered by patents theretofore issued. So one day when he came in with a new invention I suggested it would be cheaper to have a search made before he went to the expense of trying to have it patented. He consented; I sent on a statement of his invention to the Patent Office and asked for a search. In return I got fourteen slips, showing fourteen different patents covering his invention, in fourteen different ways. When he came in

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I handed the letter and the slips over to him. It was in the gum-boot era of northern Indiana. He shuffled his gum boots around over the office floor, chewed a rye straw for half an hour, looked over the documents and then, with a spirit of resignation that would have been admirable in an early Christian martyr, he said: "Tom, don't it beat the dickens how many things I discover that some other fellow has discovered before me?"

Well, out of the traveling library my father reached the conclusion to try the open air treatment in the hope it might restore my mother to health. We trekked across into Illinois and for two years lived practically in the open, on the prairies around Urbana, where now is the University of Illinois.

It was the period of time when the thermometer was rising to the boiling point over the slavery question. My father was a Douglas Democrat. I never read Gray's *Elegy* and come to the lines—

"Some mute inglorious Milton here may rest;
Some Cromwell, guiltless of his country's blood"

but that I am impressed with the fact that history does not always lay her laurels fairly on the tombs of her illustrious dead. Sometimes I grow slightly jaundiced over the way in which this age follows men, regardless of the measures they may advocate.

I remember to have read a very able article, by

EPHRAIM AND HIS IDOLS

William Dudley Foulke, on the courts. Shortly afterward I read Roosevelt's suggestion for the recall of judicial decisions and said to myself, Roosevelt has lost his most important follower in Indiana. But in a few days I met Mr. Foulke and found that Ephraim was still joined to his idols. It made but slight difference what Roosevelt said; it was Roosevelt, the man, that people followed. And yet, this is only a passing phase with me, because I can look back to my own father, and thousands like him, who followed Douglas as blindly as any public man of recent years has been followed.

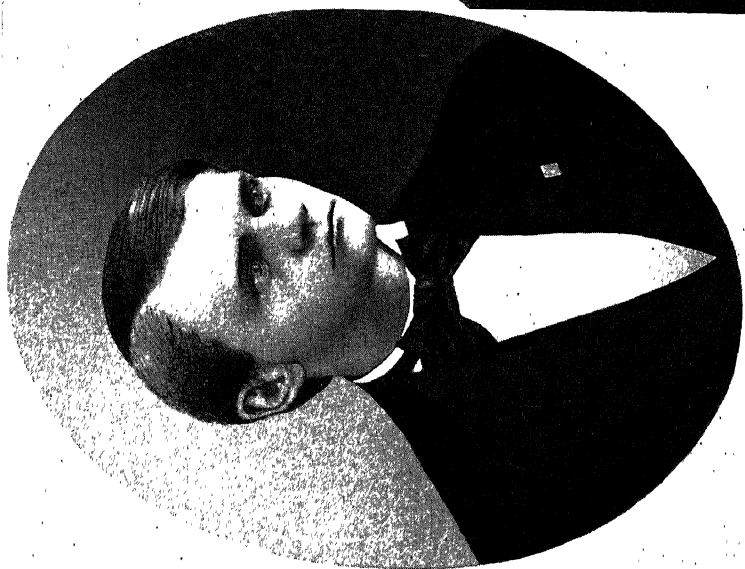
No one would take a leaf from the laurel that rests upon the tomb of Abraham Lincoln, but there is glory enough in the world to put a wreath upon the grave of Stephen A. Douglas and to give him part of the credit for the preservation of the Union. It was his stand with Lincoln and for the Union that settled the question as to what Illinois and Indiana would do about it. I expressed this opinion one day in the presence of Uncle Joe Cannon and was glad to have him fortify my statement by telling of a rabid Douglas man in his part of Illinois who announced he was going to raise a regiment for the southern army, and he was on his way to see what Steve had to say about it. When he came back in the evening he announced he was going to raise his regiment just the

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same but Steve had told him to take it into the Union Army, and he would take it there.

I rather imagine all my little efforts to eliminate the personal popularity of men in the conduct of public affairs will come to naught. So far leaders have been worshiped and followed, and I suspect they will continue to be. So, as an admirer of Douglas, my father took me to the joint debate at Freeport, Illinois, in the fall of 1858. This suggestive memory of mine leads me to state that I sat on Lincoln's lap while Douglas was talking, and on Douglas' lap while Lincoln was talking. I think I have a recollection of the general appearance of the two men. One was tall, ungainly; the other, small and animated. I think I have a recollection that I liked the tall man. In an address made at Freeport some years since, I ventured to tell this story, and an elderly gentleman from the audience came to me at the close of my talk, said he was present at the joint discussion, and remembered there was a little boy who sat on Lincoln's lap and on Douglas' lap while the discussion was going on.

Mayhap there is more in men than is dreamed of in our philosophy. The woman who touched the skirt of the Master was healed of her disease, for even through the garments there flowed out virtue to her. However imperfectly I have manifested it, this I know



INTO MY VEINS

I have believed: In the Fatherhood of God, in the brotherhood of mankind, and I have measured life by the heart-beat of the average man, not by that of the lonely souls of time who have stood upon the misty mountain peaks, wrapped in the mantles of isolation, far from the crowd. It pleases me to think that perhaps in a small way something of the love of Lincoln and of Douglas for the Union, the constitution and the rights of the common man flowed into my childish veins.

CHAPTER V

MONEY will accomplish much in business, love and war but it isn't worth a cent in nature. You could plant all the doubloons lost in the Spanish Main on a New England farm and you would not raise a single ear of corn the more therefor. You could take the golden eagles of America and put them in the alfalfa fields of Indiana and you would not get a single blade more of grass. The moral is that nature has her own way of fixing valuation; and her valuation is in the way of return made from the soil. She does not care the least what men may say, by way of trade and barter, that she is worth. Her worth in her own scales consists in her ability to produce something that will minister to the needs, the comforts and even to the luxuries of her children.

The Red River Valley farmer of to-day complaining over his seven bushels of wheat to the acre, raised upon land which perhaps cost him a hundred dollars per acre, imagines both nature and government to be unkind. But he has forgotten that for more than thirty years he hasn't thanked nature for the harvests

NATURE SHOWS RESENTMENT

she gave to him, nor offered her back, as a free-will offering, a single pound of fertilizer. It was a great country when the land could be entered at a dollar twenty-five an acre and thirty bushels of wheat could be reaped from every acre of ground. Then both nature and the government were in good order with the Red River Valley farmer. Now nature has naturally resented the attitude of the farmer toward her. She has felt that some little return should be made, expressive of gratitude, but he has made none, and her average of return to him has fallen to seven bushels an acre.

What government had to do with this bartering back and forth of the land in this valley I do not know. No act of Congress, no legislative or governmental program that I have ever heard of either urged or induced these people to keep bartering in this land until it reached a price prohibitive of any return upon the cost thereof. I have heard my grandfather tell of loading up forty bushels of wheat upon what was then known as the old Conestoga Wagon, hauling it from Marion to Fort Wayne, Indiana, a distance of sixty miles, and exchanging the entire load for a single barrel of salt. It took three days to make the round trip over the awful roads of northern Indiana. His land was entered from the government and purchased at a dollar twenty-five an acre. More than

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forty years ago my father told me that he had cut down walnut trees that were six feet in diameter at the stump, piercing the sky one hundred feet before there was a limb, had logged them and burned them in order to obtain the soil on which to raise crops. He estimated at that distant time that if the walnut timber on my grandfather's farm had been preserved until then, it would have been worth more than a half million dollars. Nobody knows how prodigally we dissipated the resources of nature. Had Indiana but been preserved for forest purposes and her pioneers gone to the prairies of Illinois and the West there would have been an abundant supply of timber for practically all future time. And yet, who is there of us who dares to say that there may not have been a providential intent in the destruction of this timber? America is not yet a land of settled homes. Its citizenship will be far more stable when it does have real homes that pass down from one generation to another. It has not had and will not have these fine marks of a preserved civilization so long as the houses are built of wood. Mayhap the increased price of lumber will lead to the erection of substantial dwellings that will pass down from generation to generation.

Well, they began to barter and trade on this government-entered land of northern Indiana. It

BLEEDING KANSAS

produced as much of the necessities of life when paid for at a dollar twenty-five an acre as it did when, bickering back and forth, it began to rise to five, to ten, to twenty-five dollars an acre. No more was produced when it was selling at twenty-five dollars than when it was bought at a dollar twenty-five, and yet the taxes upon it had very largely increased.

Now I never heard my grandfather say so, but I have a sort of idea that he was a little bit like David Crockett—that when the tax officer appeared it was time for him to move onward. So when he had a chance to dispose of his Grant County farm, at twenty-five dollars an acre, he proceeded to sell it and trekked again to the West. “Bleeding Kansas” was then the subject of the political controversies of the day. Men were impressed with the idea that it was a wonderful state, otherwise there would not be so much controversy as to whether it should come into the Union slave or free. And so my grandfather took his unearned increment and invested it in Kansas land, adjacent to Osawatomie, largely, I assume, because two of his daughters had married and were residing there. Their husbands both went into the Union Army, and they were left in that guerrilla-ridden district. They spent most of the time in the sage-brush hiding from the guerrillas. As fast as they were enabled to accumulate either stock or crops

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a band appeared, and if they truthfully declared themselves to be Union people the guerrillas declared themselves to be Confederates and took all they had. If, as a matter of preservation for themselves, they declared themselves to be Confederates, the guerrillas turned out to be Union men, and still took all they had. The end of the whole unfortunate experiment was that my grandfather found himself back in Indiana, practically in the same financial condition in which he entered it in 1817.

My mother's health did not improve to my father's satisfaction in Illinois, so after the election of 1858, when Douglas won the senatorship and lost the presidency to Abraham Lincoln, we trekked again westward to Kansas. Another one of my suggestive memories is the sight of John Brown, surrounded by a few of his misguided followers. Of course, I know nothing about it and, of course, I remember nothing about him, still I have it impressed upon my mind that he had an eye with "a fine frenzy rolling." In less than two years he made his venture at Harper's Ferry.

I don't think my father was a coward, because I have seen him in places where cowards are not to be found; but I think he was a cautious man and did not care to face unnecessary danger. He soon became convinced that Kansas was a dark and bloody ground; that it opened up opportunities for all sorts of vicious

COWARDLY CITIZENS

men to commit all sorts of crimes and have their commission attributed to the political controversies of the day. I have no patience with an American citizen who has not the courage to stand up and say what he believes. From this there necessarily follows the conclusion that the Ku Klux Klan is quite largely composed of men who claim to be American citizens but are too cowardly to let anybody know what they individually believe. Hence their appearance like the sheeted dead. And this, regardless of what they themselves may do, furnishes an opportunity for vicious characters to don the regalia of the order and to commit all sorts of crimes and misdemeanors.

Tossed in the contending throes of a great political discussion, with slavery as the issue, that touched not only the calm judgment but prevented calm judgment by touching the hearts and sympathies, the Christian ideas and ideals of many men, and with these roving bands of guerrillas perpetrating their outrages and seeking to lay the responsibility therefor upon political controversies, we did not long linger in Kansas but back we came to LaGrange, Missouri, a little town nestling upon the banks of the Mississippi, just across from the city of Quincy, Illinois. There in the comparatively high altitude and the favoring climate my mother's health was fully restored, and there for a year and a half my father followed his profession.

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Many years afterward he had the pleasure of meeting, in Florida, Harriet Beecher Stowe. In conversation with her he ventured to suggest that the characters in *Uncle Tom's Cabin* were, from his standpoint, overdrawn. He instanced one particular incident, while he was in Missouri, where a slave owner had him go twenty miles every day to minister to a slave who was sick with typhoid fever but who said, when his own daughter was taken down with the fever, there wasn't any use of his going any oftener than once a week, because the fever would have to run its course anyway. My father reached the conclusion that the instances of personal cruelty to the slave were few and far between; that the master was not inclined to beat up and abuse a piece of personal property worth a thousand or two thousand dollars a bit more than he would ham-string a trotting horse. Mrs. Stowe admitted to him that the treatment of the colored man was overdrawn, but justified it on the ground of the resulting good that was accomplished by her book. I do not believe it can be disclosed that the motto of the Society of Jesus, founded by Ignatius de Loyola, is that the end justifies the means, but we can not look over human history, whether profane or religious, without realizing the fact that very often this is the motto which determines human conduct and colors argument about human problems.

AS A MAN THINKS

The time has not yet arrived when we can definitely say what makes a man think as he thinks. Education, heredity, environment, ambition, prejudice, personal advantage, loyalty to friends, blind following of leaders—oh, the reasons are innumerable which make of that human mechanism we call the brain a very imperfect instrument for the registration of truth and justice. I have some vague recollections of controversies which took place in that Missouri town. Men who desired slavery to remain where it was but never to step its foot upon any more of the soil of the United States. Men who desired slavery to enter the territories of the United States. Men who desired the emancipation of the slave. Men who were willing to submit to the votes of the people of the territories, whether they should be slave or free. It was an era of real discussion, based upon real convictions. Some time again a great moral question will confront the people of the United States, and then again we shall have real politics. We shall have men whose convictions are strong enough to submerge their interests.

The bitter controversies of 1858 grew bitterer still in 1860. Now my father, being a Hoosier born, could no more keep silence than the sun could cease to rise. In those days civilization had not advanced to the point where so-called insult to a man's honor had to be justified in the courts of the land and not by resort

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to brute force. You had to present your arguments impersonally and with great suavity of manner. If you descended to the *argumentum ad hominem* you were likely to involve yourself in physical trouble. My father, as a follower of Stephen A. Douglas, was of necessity a believer in the integrity of the Union; in the theory that the controversies which were raging around the different phases of this slavery question were to be settled by law and by the ballot and were never to be submitted to the arbitrament of arms.

Among the outstanding figures of that community was a man by the name of Duff Green; a forceful, masterful character, with much ability. He subsequently became an officer in the Confederate Army and was killed at the siege of Vicksburg. One day, in late October of 1860, an argument took place over these mooted questions which were soon to be washed white in fraternal blood. Among those engaged in the discussion were this man, Duff Green, and my father. With the easy manner in which the Hoosier has always availed himself of his constitutional privilege of free speech, my father, at the close of the discussion said to Green: "With such sentiments as you avow you will be leading a guerrilla band against the government of the United States inside of six months."

My father's uncle and his cousins were present at the street discussion. They immediately drew my

Being a

Being a Horner is just
like being a boy all
your life long. The years
can not put you into
a coat, nor cover your
natural characteristics with
the thin veneer of artificiality.
It is in New York, not
in Indiana. Nobody here
is put up. Nobody here ever
saw the sign: "Keep off the
grass." The Horner does
not wait for an
invitation to do a thing
and then trouble at his
lack of power. What
he wants, he takes.
It is open season the
year ^{round} in Indiana to
~~bring down~~ ^{bring down} ~~succeeded~~
~~the literature~~, learning

Law, politics, business,
all ^{Horner's} are mighty interests
and the game is plentiful
Thos. A. Marshall

A LICKING SAVED

father to one side, took him to his office and said to him that he had incensed one of the most desperate characters in the county; one who already had a band of followers, and one who would undoubtedly wreak vengeance upon him; that the chances were, if he remained in LaGrange that night, he would be taken out, horse-whipped, tarred and feathered, and perhaps would lose his life. They advised and persuaded him to take his wife and his boy and leave Missouri at once. Some people may say that he was cowardly in doing it, but when I saw him try to join the Union Army and subsequently saw him walk up in the face of a revolver and slap the holder of it, I am not ashamed to tell that we left on the evening boat for Quincy. This I do remember—standing in the stern of the boat and watching the sun go down, and weeping because I was leaving a little girl playmate. Let us never be discontented with the happenings of life. My father might have had the audacity to have remained in Missouri, got a good licking, and maybe lost his life; and I might have grown up there and won, in later years, the affection of this girl playmate of my childhood. But my father saved his licking; I lost that girl and got a better one.

Our people knew the temper of this man Green, for on that very night his guerrillas did come, and they tried to find my father. And so back we came

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to the good old Hoosier state, and stepped off the train and went to my uncle's home the very day on which Abraham Lincoln was elected president of the United States.

This argonautic expedition of my father and mother in search of the golden fleece of health was at an end. Sound in body as in mind, poor in purse, but strong in faith, they began again, as they had started eleven years before, to build for themselves a home in Hoosierland. They left the home state to make a fight for my mother's restoration to health. They returned to it to help make the fight for the restoration of health in the body politic of America.

CHAPTER VI

DEFINITIONS mean nothing unless the concept in the mind of the men who makes the definition is the same as that in the mind of the man who hears it. Thoughtless people assume that American and European civilization is the only civilization in the world; that the Hindoo, the Chinaman and the Japanese are either barbaric or semi-barbaric. Yet, as a matter of fact, they are all civilized, only their civilizations differ from the one in which we are accustomed to live. And so, too, when we consider our own civilization we are quite likely to assume that one part of it is of a higher grade than another, and that one town is more highly cultured than another. Yet the strange thing about it is that all these towns are criticizing one another and are secretly jealous of one another. They differ, of course, in their manners of life, in their modes of thought and of expression, but he is rather a brave soul who will venture to assert that in this land of ours any one place is far more provincial than another, if he really understands what provincialism means. Of course, towns differ, but I doubt whether

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it is possible for any place to possess all of the virtues and to shun all the vices of our so-called civilization.

Of recent years, both in fiction and in fact, much has been written about Main Street. Some think it rude, half civilized, perhaps barbaric, and certainly soul depressing; while others have imagined—perhaps even believed—that it is the most cultured and cultivated strip of ground in America. That from it proceed all the virtues, and along this highway walk all the men and women worth while in the republic. Of course, neither view is correct. To a man of Indiana, Old Boston, as we knew it in the years ago, before it became an annex to the Irish Free State, was provincial. A Hoosier in the manner born and manner bred, and a denizen of Indiana, was equally provincial to the citizen of Boston. The real truth is that we are not provincial in and of ourselves but we are provincial each to the other on account of the phraseology with which we express our thoughts or the way in which we lead our lives. May I be permitted to illustrate?

Some years since several very cultured ladies from the city of Boston were being shown around Crawfordsville, Indiana. The home of General Lew Wallace was pointed out to them and then they were taken over the campus of Wabash College. The Indiana women referred to it as Wabash College; whereupon

ACCENT ON BOSH

one of the Bostonese exclaimed: "Why, how oddly you pronounce it! Now we would call it Wabosh." (Accent on the "bosh.") She was marking the Indiana woman as provincial in her pronunciation. Quick as a flash the Indiana woman came back at her and said: "Well, at least, when we go to the ice-cream-soda fountain we don't call for a vaniller soder!"

I believe one of the most intelligent men ornithologically that there ever was in Indiana, was a man locally known as Bird-and-Bee Brown. His reputation along these lines spread beyond the confines of the state and attracted the attention of Mrs. Shepard, who was then Miss Helen Gould. This man Brown, however, led the simple life of the early pioneers and nature lovers of Indiana. He had not been educated up to the niceties of what is known in many places as polite society. Miss Gould invited him to New York and asked him to dinner that she might obtain information as to his knowledge of his specialty. He went—a plain and humble Hoosier, unused to the elaborate customs of the very rich. When he returned to his little Indiana hamlet he is said to have described that dinner in somewhat this language: That it was the most remarkable dinner he had ever been seated at in his life. That he found at his plate all sorts of implements which, in due season, he learned were to be used in "putting away," as he called it, the differ-

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ent kinds of food that were served to him; and, marvel of all marvels, he told these friends of his, back of every chair there stood a "hostler."

Well, I suppose that Miss Gould was provincial to him and he, if not worse, to Miss Gould.

The American who thinks it bad form to use a toothpick anywhere save in the cellar with the light turned off, has his sensibilities rudely shocked when he observes the ease and facility with which the so-called very best people of Europe manipulate that remarkable instrument for getting tough chicken out of their teeth. We delight ourselves in our deliberation at the table. Our meals are served in courses, and time is no object when it comes to eating them, yet this is not the custom everywhere. Whoever has happened to dine at the Russian Embassy, in Washington, when it was under the old régime, has found out that if he dared to lay his knife and fork down for even a moment his plate was immediately whisked away from him by a servitor.

No, there is no world-wide standard for the determination of provincialism. There is only one standard by which to judge men and women, and that standard is not so much one of brains and education as it is of culture and heart. Kindliness seems to be the one golden metewand by which to measure how really civilized and catholic one may be.

IN DEFENSE OF MAIN STREET

With this idea of provincialism there has also grown up its twin: namely, that the rare, unusual and oftentimes uncouth characters of the world are to be found in these small communities that have a Main Street. Now nobody will ever take the time nor the trouble to disprove this, yet I think that every large city in America has proportionately as many of these queer characters as has any small town in the land. The only difference is that in one of these small communities everybody knows everybody else, and there is time to "figure on" what kind of a fellow he is. Many people are quite convinced that the world is all wrong—I suspect it is; and that it is going from bad to worse—but this I doubt. Newspapers, periodicals, telegraphs, telephones and radios give us information about the evil of life which a generation or more ago it was impossible to obtain, and the world, it seems to me, is very much the same as it has always been—filled full of good and bad, pretty equally distributed over the entire area of the land. I make this little defense of the small town not that it needs it but because the growing and most active years of my life were spent in one.

I really believe that what I should be willing to swear is my own memory, not affected by the things I heard other people say, began with the outbreak of the Civil War. I think this to be true because my

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good Scotch Presbyterian mother insisted on my memorizing the Shorter Catechism and certain passages of the Bible. When the war began I heard of the great generals on either side of the conflict and I imagined that the controversy would be settled much as I discovered that controversies were settled in the accounts of the Old Testament. I assumed that some Union general would be picked out to defend the Union cause and some Confederate for the opposition, and they would go out in front of the two armies and the man who prevailed, his army would be the victor. But it was not long until I began to see plain pine caskets taken off the train, weeping women and wailing children, and for the first time I think I realized what life and death and war really meant. From that time forward I had a pretty lively understanding not only of the war, its causes and the purposes for which it was being fought, but I gleaned also some knowledge of the bitterness that could creep into the souls of men over politics. There was not one of my blood, in or out of the Union Army who was not either serving and sacrificing at home or suffering and dying among the hills and valleys of the southland for the preservation of the Union. And yet, so bitter was the politics of the time that they had to undergo the suspicion of being disloyal to their country because they did not vote the Republican ticket. My grandfather and my

HELL OR THE REPUBLICAN PARTY,

father were notified by the Methodist preacher whose church they attended that he would have to strike their names off the roll if they continued to vote the Democratic ticket. My grandfather, as a fiery Virginian, announced he was willing to take his chance on Hell but never on the Republican party. My father compromised by joining my mother's church. Many of the people of the South suffered deep privation and agony untold during that long period, but the thousands of Democrats who went into the Union Army from Indiana and Illinois left at home families that suffered far more.

Perhaps it was the experience of those youthful days that has led me to be rather charitable in my judgment of the political opinions of other men. I have always been a staunch adherent to democratic faith and a devoted follower of the Democratic party, but I have never been able as yet to make of myself a politician, because to be a politician, I have discovered, you must not only be convinced that you are right, that your cause must prevail if the Republic is to survive, but that the man in the other rank is not only a bad American but that if his cause prevails the fabric of democracy is likely to be torn in twain. I never have had any doubt as to my being right, but I have never been so sure that I desired unqualifiedly to condemn any one who happened to think otherwise.

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The Civil War was a stormy period in which even the children grew intellectually into manhood, while they were yet babes, physically. When the World War came on and men began to be excited about the question of the lack of loyalty to the cause in which our armies were engaged, nothing was said that was new to me. Every argument made in the Senate of the United States seemed to be an old one that I had heard as a boy. The laws against sedition that were enacted, the arrests and trials and convictions that we had were all but repetitions of the things that I had heard and witnessed as a young boy, but with this exception: In the World War the courts still remained open and a man was tried by their orderly processes. Whether you believe it or not, civilization and democracy have gone forward. The privilege of free speech which so many men during the Great War abused, was no longer submitted to a military tribunal. On the contrary, the legislative crimes connected with the exercise of free speech and free press were tried, however unfairly, by the courts of the land. During the Civil War majorities were far more intolerant. Then the courts were open and functioning. Many military tribunals nevertheless assumed jurisdiction to determine whether a man was guilty of sedition.

I lived, during all these years and until his subsequent death, within twenty miles of Lambdin P. Mil-

A BLACK EYE FOR THE PARTY

ligan. I have tried a score of cases with him or against him. I knew him as a boy and afterward, when I began the practise of law. Tried by a military tribunal and sentenced to death, he owed the preservation of his life primarily to James A. Garfield and, secondarily, to the decision of the Supreme Court of the United States. Perhaps it was *Ex parte* Milligan that educated us up to the point where in the World War no attempt was made to punish men for opinions, however unjust, unfair, unreasonable and unpatriotic they might have been, by drumhead court-martial. Yet I believe there was no man who gave the Democratic party and its followers a blacker eye in the mind of the people of Indiana than did this same man, Milligan.

And here comes one of the strange events in human life. I suppose we know what we think, or what we think we think. But who is to tell with certainty what makes us change our opinions? In the campaign of 1880 Milligan supported Garfield and from that time forward, until the hour of his death, he was the most virulent, vindictive and caustic of the critics of the Democratic party that we had in northern Indiana. I suppose a common sense of decency for the great work Garfield did for Milligan in the trial of his case would have justified, in the minds of all of us, his voting for Garfield but, after having

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been the origin of an incensed public opinion against all the Democrats of northern Indiana, to spend the last twenty years of his life berating and abusing the Democratic party, passed the comprehension of some men, myself included.

Our personal relations were friendly, almost intimate, and so in a perfectly good-humored way, I ventured to suggest to the colonel, as he was called, that there was only one mistake made in the ultimate result of the Civil War and that was, that the sentence of the military tribunal had not been carried out before the civil authorities could intervene, and he thus have paid the penalty for what he had said and not have lived to abuse the people who had blindly followed him into a disgraceful assault upon the Lincoln administration. It was said in good humor and taken in the same way. I only record it as one of the not rare instances in human life where men completely turn their backs upon the past, its history and all they have had to do with the making of it and spend their future in vilifying and abusing the work of their own hands.

It is even now so early after the close of the World War that it is very difficult to say whether those of us who were wrought up by the public statements of Senator LaFollette and men of his ilk, and who were willing to have the lesser ones punished because they

KEEP THE CORK OUT

did not agree with the policy of the administration and the purposes of the American people, were wise or not. I have been led to conclude, as the days have gone by, that our English forebears were wiser than we in their knowledge of human nature. Repression on the part of a government sooner or later will result in such an accumulation of gas as will inevitably bring about the destruction of the government. A government should always keep the cork out of the bottle of its principles. It should let effervesce freely and unrestrained the gas of all those who are not satisfied with what the government is doing. The meetings at Hyde Park and Trafalgar Square, in which the discontented get off of their chests all that they have to say about the iniquity of the British Government, have done much in preserving that ancient democracy. If I had it to do over again, with my recollections of two great wars in which governments sought, if not to control free speech at least to punish the saying of anything that did not agree with the policies of the administration, I think that in justice to the administration and for the preservation of the Republic I should be opposed to any of these laws. After all, public opinion is the final arbiter of the policy, whether of an administration or of a people. Let your man opposed to the policy of the government get on a soap box and tell all he thinks about it. There will be

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some level-headed fellow in the crowd who will heckle him with questions and utterly confuse him, if the government be right, and, of course, if it be wrong its policies ought never to prevail. Public opinion, which so often is nothing more than public prejudice, has nevertheless something which is amenable to justice, to reason and to truth, and sooner or later the truth will out. If the man who has been assaulting his government in the hour of war is wrong, that public opinion will dispose of him in a far more satisfactory way than can otherwise be done.

Many people criticized the late President Harding for his pardon of Eugene V. Debs. I approved of it. Not that I approved of a word that Debs said, not that I did not think he was legally convicted, not that I do not believe there was sufficient justification for his conviction, but because I felt that the longer he stayed in Atlanta the greater martyr he would become to the discontented souls of America. Martyrdom ought to be the great goal sought by every man who is in the wrong. Put him in the penitentiary and all the idle, discontented, unruly souls of the Republic will resent his incarceration; will look upon him as a man set apart to be punished by a cruel and dictatorial government. But let him get out, and the robes of martyrdom slip from him and he becomes once again just a plain, every-day, brain disordered agitator.

Letter to Riley

I can^{not} keep believing that there is a divinity
that shapes our ends when I view your life
work. So much of mine it is given to work, to enjoy
and to suffer. So many it is given to succeed in this
or that, which the world, or a part of it thinks
worth while. But to the chosen ^{few} has it been
assigned to unite the chords of youth, manhood
and old age and out of them evoke the harmonies
of happiness and awe. ^{among} these few immortals
you belong. Every age needs our immortal among
its mortals to leave the rebels lump. Then I wish
that you may live until another gives his right
to your scepter, I know I wish your longer life
than the Psalmist's allotted one.

Cordially Yours.

DON'T WORRY

Don't worry about the overthrow of the vital principles upon which the American Government rests. So long as ten million Fords are driven by ten million Americans, God's in His Heaven, and the government at Washington will continue to live.

CHAPTER VII

SOME time ago I had an opportunity to examine a catalogue of Dartmouth College when Daniel Webster was a student in that institution. The catalogue contains the course of study pursued at that time. I rather suspect it will be a source of great surprise to the young people of to-day to be informed, and it is a fact, that the curriculum in Dartmouth College a century ago was no further advanced than that which may now be pursued in any of the high schools of the land. Yet I should hesitate to say that the pupils who graduate from the different high schools of America, and who proceed no further along educational lines, are as well fitted for the discharge of the active duties of life as was Daniel Webster when he received his diploma.

Nobody with any common sense has the slightest desire in the world to prevent the enlargement of information and the dissemination of knowledge among the people of this country. But sooner or later it will be necessary to have a more definite understanding than we now have that information and knowledge are

ON FOUR FEET OR THREE

not education, and that memory will never take the place of intelligence. More and more as the science of psychology is elaborated and made use of in the affairs of man, more and more we are finding out that intelligence is one of the necessary prerequisites to the accumulation of wisdom for the discharge of the active duties of life. We found out a good deal of this during the World War, when mental tests along the line of wisdom were applied to many of these graduates of the high schools in America. They read with proficiency, had a knowledge of history, were expert in figures and were generally supposed to be up to date. Indeed, they disclosed that they had information that was up to date, but when it came to the exercise of the reasoning faculty they were found to be woefully deficient. Thousands of these, with high school education, answered the inquiry: "If a horse standing on four feet, weighs twelve hundred pounds, how much does it weigh when standing on three feet?" by saying it would weigh nine hundred pounds.

There were even in my young days different sorts of educational institutions for what was then denominated as higher learning. My people chose to send me to Wabash College, at Crawfordsville, Indiana. It was staid, as it is yet. An old-fashioned institution, founded for the purpose of giving to a young man, if

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possible, what I am pleased to call a cultural education; that is, to train him in those studies and direct his mind along those lines which will give to him powers to reason accurately, or practically so, upon the great problems of life, and to be philosophic under all the misfortunes that may come to him. About Wabash I venture to say what Webster said of Dartmouth, in the great case wherein he won his fame, that it is a small college, but there are those of us who love it.

How much a man gets of himself by birth nobody can tell; how much comes by breeding, nobody can surely prophesy, but a man has a right to express his opinion. I have been a fairly contented and happy man. I have never risen to real greatness nor have I been cast down into the depths of despair. I have sounded most of the shoals and depths of human passion, and yet I venture to throw to myself this little bouquet gathered out of the garden of an interesting if not serviceable or profitable life: That I have learned, with the Apostle Paul, to be content in whatsoever station of life I am. I have learned both how to be abased and how to abound. Now, it may not be so, but I believe it to be, that much of this attitude of mind came to me from the observation of the elderly men who, in the four years I was at Wabash College, constituted its faculty. As I recollect it there was not

NOT WORLDLY GOODS

one of them, including the president, who received a salary greater than fifteen hundred dollars a year. With two illustrious exceptions, none of them has loomed large upon the horizon of public life. They cared not for riches and less for preferment, but they were intensely moved with the spirit of implanting the principles in which they believed in the minds of the young men who came under their charge. They were what much of the educational world has now lost—great teachers—and their satisfaction came not from the worldly goods with which they could surround themselves but from the impetus they could give to high thinking and right living and the additions they thus could make to the wealth of civil and religious liberty which the Republic then possessed. They were but slightly interested in the making of careers. The more young men who sought the gospel ministry the greater they deemed to be the reward of their services. There were two exceptions to this general rule. One was the professor of Greek, Caleb Mills, a Dartmouth man, who, as I have said, was denominated the father of the common school system of Indiana. For it was he who bombarded the Indiana Legislature with his pamphlets entitled: “One of the People Urging the Necessity for the General Diffusion of Knowledge among the People in order to maintain the Right Kind of Democracy.” He was so successful in

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his efforts that he became the first superintendent of public instruction under the new régime. Electives were then unthought of, and education was deemed to be what the word implies—the drawing out of the latent and the strengthening of weak faculties of the human mind.

I was compelled to study the Greek language under this old man. He was perhaps as fine and great a Greek scholar as America had at that time. It is related of him that once, in the city of Boston, he was going by the police headquarters and heard a man chattering away in an unknown tongue. The officials were unable to understand what he said. Mills stopped, recognizing that he was a Greek, got into conversation with him, acted as interpreter and had him discharged from custody.

I had then as I have now the happy faculty of superficiality. It enabled me quickly to learn any subject to which I put my mind and just as quickly to forget it when I no longer used it. This faculty came as a valuable asset afterward in the trial of lawsuits where there were technical questions. During the preparation and trial of a lawsuit involving either medicine or mechanics I was just as good a doctor as anybody until the verdict was in, and just as good an engineer; but two days afterward the only way I could tell quinine was to taste it, and the only way in which

THANKS TO THE CLASSICS

I knew the throttle of an engine was to see another man pull it. With this facility I succeeded in imposing upon this old professor of Greek, and he labored with me for many hours, urging me, after my graduation, to go to Greece, become conversant with modern Greek and to devote my life to teaching that language. I did not see it that way, however. Perhaps I made a mistake. I might have been, for aught I know, a distinguished Greek professor, down on my knees, begging some young man in some institution of learning to study that language in which was written the words of the greatest Teacher the world ever knew, Jesus of Nazareth. Save two or three brief Greek phrases, all this has passed from my mind and memory. I can hardly recognize the characters when I see them. It is the old, old story, that with more or less facility we lose the things we do not use. How clearly I am enabled to express myself I do not know; but of one thing I am quite convinced: That I should have suffered a far greater handicap in life than I have in the way of expression of thought, and of clarity of statement, had I not studied the classic languages. I realize that few now are paying any attention to them, and that a man may be a master of arts with a mere smattering of Latin and no Greek whatever, but I am not convinced that the loss of these two languages is contributing to accurate English.

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There were great men who agreed with me. I remember that Judge Francis E. Baker, of the Appellate Bench, in Chicago, was one of these men. Years ago, in the lull of a trial, in Goshen, Indiana, we were discussing various questions in the lawyers' retiring room. Among other things, the preparation for law and the ministry came up, and Baker and I were the only ones insisting on the advisability of the study of Latin and Greek. There was a popular preacher in that town, who came into the room while the discussion was going on. He took the opposite view of it and said that there were glossaries, dictionaries and encyclopedias that would give a man all he needed, and that struggling through the Greek and Latin classics was a waste of time. I have never forgotten the answer of Judge Baker to this man. He said to him: "Doctor, I observed you walking down the street this morning, with your head thrown back, at peace with God and the world, and well satisfied with yourself. I knew this arose from the fact that you had just returned from Conference, and that the papers had said that while you were there you were the cynosure of all eyes. Now, Doctor, you would not have walked so egotistically if you had studied Greek instead of the encyclopedia and had realized that the word 'cynosure' literally means 'dog's tail.' " I think all of those who have gone through the grind of the

THE LAW GAINS

study of the Greek language will admit that it is the whetstone of the human intellect. None of the stone may be left upon the knife after the sharpening process, but the knife is the keener for the use of the stone.

One other exception was a professor of mathematics, Doctor John L. Campbell. He it was who conceived the idea of the Centennial Exposition at Philadelphia, in 1876, and who was made secretary of the Commission. I had imposed on him so that he tendered me the position of his private secretary, but this involved my going with him in the fall of 1873 and remaining until the fall of 1876. I refused the offer because I had reached the conclusion that the American Constitution was not well understood by the people. There was so much doubt about what it meant, in the minds of many men, that it really needed a lawyer to explain to the satisfaction of all the courts and all the people the intricacies of that great instrument. I felt that the law could not afford to lose my valuable services for three years. Looking back upon it, I made a great mistake. As his private secretary I could have obtained such a knowledge of world conditions as never came to me until I passed through the experiences of the World War. He was my friend, notwithstanding the fact that I was not a great mathematician. I had had a country shoemaker, who tried

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to teach me how to drive pegs, tell me that I was wholly unfitted for that business, and that so far as he could see I would have to rely upon my tongue and not my hands for a livelihood. Professor Campbell supplemented that view, I think. The Monon Station, in Crawfordsville, is about a mile and a half from the college campus. In the course of my mathematical studies I was placed in charge of a theodolite and was told to take my classmates on a survey around the street corners to the Monon station and submit figures as to the distance. I accomplished this to my satisfaction but not to Professor Campbell's, for when the figures were made up I found the distance to be one hundred thirty-seven miles and eight furlongs. The old gentleman, after a hearty laugh, said that I might be excused from any further study of surveying; that it was quite evident that if my tongue did not keep me alive I would starve to death in the pursuit of any occupation which required much knowledge of figures.

We had a rare character with us in college, who occasionally wrote for the college magazine. In one number there appeared an article to the effect that there was nothing new under the sun. At that time one of the popular tunes, or songs—and I never knew the difference between a tune and a song—was:

THE ROMANS DID

“Shoo, fly! Don’t bother me!
For I belong to Company G!”

This article went on to detail that its author, in rummaging among some of the old manuscripts in the college library, had discovered that this song was familiar to the Roman Legions, and he proceeded to quote it. All I remember are the first two lines. They ran:

*“Abi, musca, ne inquietes me!
Sum enim miles de Maniplo G!”*

Some months afterward a gentleman with a long coat and a dilapidated silk hat and with a solemn cast of countenance, whose name now escapes me, arrived on the scene. He announced himself as an archeologist from the East. He had seen the article, and had come to examine and investigate the original document. Then, the cat was out of the bag!

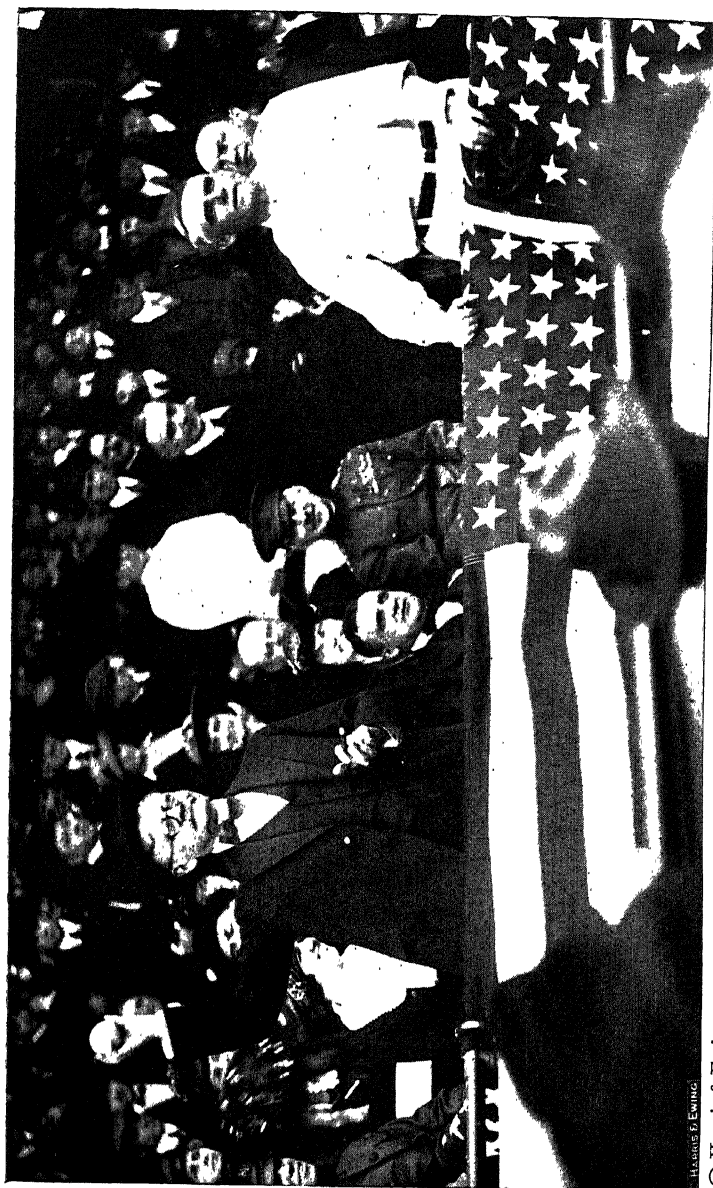
Those teachers of ours were little known to the world at large. They tried to make us master the books, but, above all, they tried to give us some principles of life. Some of these principles found their way into our consciousness but many of them were buried in our subconsciousness. As the years have come and gone, after follies, errors and mistakes innumerable, these things have risen up out of our sub-

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consciousness and have made of us fairly contented and happy citizens.

I was, by virtue of birth, even then a Democrat. I remember that in the campaign of 1872 I organized the Democratic Club of Wabash College. I have forgotten how many members we had—whether there were seven or eight—but I know we had only one voter, and I was not he. Yet we were honored with leading the procession when Hendricks came to Crawfordsville, and there has never been a prouder moment in my life than when, astride an enormous horse, I acted as an escort for the then candidate for governor of Indiana.

I made my first political speech during that campaign. I came to Indianapolis when Greeley visited the city. The old State House grounds were packed and jammed with people, and there were eight or ten stands erected whereon men were constantly talking. Some of my college associates boosted me up on to a platform and I made my first political speech. I call it that now, but I suppose it was about the crudest and most sophomoric effort that ever came from the mouth of a boy. I tried subsequently, in northern Indiana, to repeat it. During that campaign one of the issues was the carpetbagger in the South. The long, long years have never enabled me to forget a sentence which I thought, if it could only find its lodg-



Opening of baseball season in Washington, 1920

HARRIS & EWING
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HORSE THIEVES AND DEMOCRATS

ment in the minds of the voters of America, would settle the controversy beyond a doubt. It was to the effect that when Ithuriel started out the second time in search of Satan, Adelbert Ames and his co-workers should beware. But somehow it didn't find its lodgment, or if it did, it had no effect. My father was obsessed by a sense of party loyalty, and I have never been able to divest myself of it. He went to the polls and voted for Greeley and then came home and went to bed for a week, moaning over and over: "That man said all Democrats are not horse thieves but all horse thieves are Democrats." These are times when party ties rest lightly upon men, and every fellow is the judge of what is the better way. In the last conversation I ever had with James Bryce, at the time the farewell dinner was given to him in the city of New York, he announced to me as his deliberate opinion that in the long run party government was essential to the maintenance of a republic; and, that men who yielded their opinions to the party opinion were quite as likely to find that they had done as well as if they had left the Reservation; that a man who could not follow conscientiously his party should leave it and join some other party. He should not pretend to be still a member and create disturbances within its ranks.

While I was a college student journalism was in

RECOLLECTIONS

its incipient stage. Several of us concluded to issue a college paper. I wrote an article about a woman lecturer, which duly appeared in the publication and which resulted, ten days afterward, in my being served with a summons to answer the charge of libel, with a demand for twenty thousand dollars damages. General Lew Wallace and Senator Joseph E. McDonald were attorneys for this woman. I was delegated by the other boys to bring the article over to Indianapolis and submit it to General Harrison, afterward president of the United States. After much difficulty I found myself in his presence, submitted the article to him and asked him if it was libelous. He read it carefully and then looked up and said: "Young man, if I had an enemy that I wanted to libel and could hire you to look after the job, I would not hunt further." I asked the general what to do about it. I told him that I was a minor, and could not raise twenty thousand cents, let alone twenty thousand dollars. He said I would have to justify it by proof of the truth of what I had written or have a big judgment which some time I would have to pay or have it everlastingly hanging over my head. I asked him if he would represent us in the case and he said he would. The details are not necessary; it is sufficient to say that after the testimony was taken, in New York, and after the jury was sworn, the plaintiff dis-

NEVER AGAIN

missed her case, and this set of college boys breathed far more freely. I took the general aside and asked him what I owed him, saying that I would write my father and get the money and pay him. His answer was: "Not a cent. I wouldn't think of taking anything from you. You have been foolish boys and this will be a great lesson to you. Never hereafter in life charge anybody with wrongdoing or crime that you do not have in your hands undoubted proof that it is true before you make the charge, and even then don't make it unless you are quite satisfied that by the making of it you are either defending yourself or performing some real public service."

It was a great lesson to me, and I have never again been sued for either slander or libel. It convinced me, as I thought of it later, that all the talk of the cold-blooded nature of President Harrison was false and unfounded. He and Senator Turpie were, in my judgment, the two greatest lawyers that the Indiana Bar has produced. The general was too busy thinking, reasoning, seeking the right, to be a light-hearted man such as I am, but when in full and profitable practise he could waste four or five days on a bunch of foolish college boys, seeking to save them from the punishment of their folly, whatever any one else may think about the president, I think his heart beat true to all the finer and nobler instincts of our nature.

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It is true, of course, that he thought pretty well of his own family and his wife's family. When he was president he appointed a great many of them to office, and there is a story, which perhaps is not generally known, that may be related here. It was told by his private secretary. One hot summer's day a westerner, with a cowboy hat, breezed into the office of the secretary, threw his hat on the floor and said: "Where's Ben?" The secretary asked him what he wanted of the president. He replied that he wanted to see him about an office. The secretary said: "You will have to wait a couple of hours, as he is engaged with the Committee on Foreign Relations." The westerner picked up his hat and exclaiming: "Great gosh! Has he got foreign relations too," left the office, and the secretary never knew who he was or what office he wanted.

The Civil War had closed only four years when, at fifteen, I managed to pass the entrance examination and was admitted to Wabash College. The government had found itself in possession of a lot of superfluous officers, and by an act of Congress they were detailed to various colleges as military instructors.

Colonel Henry B. Carrington had been assigned to Wabash. He was much of a gentleman and a scholar. Afterward he became the author of a very great book on the decisive battles of the Revolution,

MAN OR MULE

But he was the old-style army officer. It is related of him that while he was in charge of Camp Morton, at Indianapolis, one night when the thermometer was down about zero, he ordered the band out and took them to the Deaf and Dumb School for a serenade. The employees enjoyed the music, the pupils the uniforms and the public the joke.

Military exercises were compulsory. After he had drilled us for two or three years as infantrymen, and had furnished us with a statement to the effect that each one of us was thoroughly competent to lead a regiment out of battle, he turned his attention to another branch of the service. In those good old days we had to dig the classics out for ourselves, and there were not enough ponies in the school to furnish a battalion of cavalry, so he intermitted that branch of the service and started us in on artillery.

I remember we had two twelve pounders, with their caissons and whatever else goes with them, but we had no mules to drag them around over the campus. He devised a scheme, therefore, of a public drawing, whereby one man became an artilleryman and another man became a mule. I was fortunate enough to draw a mule's part. It was all well and good during April and the early part of May, when physical exercise was desired, but when the hot weather came on it was too strenuous even for a

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patriotic and military soul, such as I was. And so, one day, we pranced off with the cannon, caissons and everything else, piled the whole mess on what is now the Big Four Railroad running through the corner of the campus, and mutinied. It will thus be seen that the modern strike of students is only a repetition of things that took place in the past.

A train came in and was compelled to stop. The train crew and most of the passengers got off, and everything was said, from importunity to profanity, to induce us to remove the barrier, but we were adamant. Finally the crew and the passengers cleared the track and the train went on its way.

The next morning we were drawn up before the faculty, and I was selected to make the defense. It was brief but to the point. It consisted of the statement that my father had sent me to Wabash College to take, if possible, the asinine traits out of my character, not to make me more mulish than I was by nature; that I did not think I would get much more in the additional two weeks, that a bit of sheep-skin was not essential to my happiness, that if desired, I would pack my trunk and go home; and that I spoke for the rest of the boys.

This was a successful strike and we heard no more about it. So far as I have been able to ascertain, no man in the crowd distinguished himself at San Juan

OUT TO RESTORE THE REPUBLIC

Hill, in the artillery, by the training he obtained at Wabash College.

At last the four years at college came to an end. I spoke my piece, got my diploma, put it away (where I have not, to my knowledge, ever seen it since), regretfully bade farewell to those good, gray-haired gentlemen and to my classmates, and started out to conquer the world, bolster up the Constitution of the United States, which was then in a falling condition, and restore the Republic to the Democratic party.

RECOLLECTIONS

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CHAPTER VIII

MY FATHER was not prominent beyond his own local community but he was a presentable gentleman, known to most of the leading men of the state. This fact enabled me to meet early in life those who now seem to me to have been giants. My relations with Daniel W. Voorhees, even in those far-off boyhood days, were friendly and intimate. While I was yet a college boy I had made up my mind that I should like to practise law and, if possible, to become a lawyer. As the sequence of this determination I spent most of my Saturdays in the court room at Crawfordsville. There I watched men as they practised the law, and there I had an opportunity to form at least the acquaintance of President Harrison, Vice-President Hendricks, Senator McDonald, Senator Voorhees, Senator Turpie and others.

Voorhees was an intensely human character, and it was his knowledge of human nature that made him perhaps the greatest advocate that ever came to the bar in the state of Indiana. His argument in defense of John E. Cook, who became embroiled in the John

A SUPERB ADVOCATE

Brown incident, is perhaps one of the finest bits of legal oratory that remains on record. I can not say that he was a great lawyer, for he was not, but he was a most superb advocate before a jury. In those far-off days, when the racial questions were even more acute than they are to-day, I listened to his argument in defense of a negro watchman charged with murder. It followed that this colored man was acquitted. In conversation with Senator Voorhees, after the verdict had been returned, with an eye to ascertain not only how to practise law but how to make a living out of the practise of it, and to find out what its rewards were, I ventured to say that this colored man must have had some good friends to pay for his services for two weeks' time. His reply gave me a true insight into the character of Voorhees. It was to the effect that nobody had paid him; that his services to the colored man were wholly free, and that he never failed to defend any man charged with murder, where the evidence was purely circumstantial in its character, without compensation, if he had the time and could afford to do it. He explained that when he was prosecuting attorney he believed that a certain speech of his to the jury had resulted in a sentence of death, that the sentence was carried out and that some time afterward the facts disclosed that an innocent man had been hanged. He told me that from that time for-

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ward he had made up his mind to do whatever he could, with or without a fee, to prevent the extreme penalty of the law being enforced against a man when the evidence was purely circumstantial in its character. Voorhees never had the financial ability to look after the main chance. The truth, as it was given him by God to see the truth, was the all-important thing for him to advocate or to defend. The reward was a minor incident of the employment. He was one of the men who practised a profession and trusted to Providence to furnish him with a living.

Long since there has been lost in the limbo of American politics the incidents which gathered around what was known as the Salary Grab. Reference to it will recall the fact that in the closing days of the forty-second Congress the senators and representatives voted themselves additional compensation. The country rose in a storm of protest and many of the men who had thus voted or had accepted the compensation after it was voted, promptly returned what the public clamor called their loot to the Treasury of the United States. As I now remember it, few men who returned their compensation were reelected, and few men who retained it were defeated for reelection. General Benjamin F. Butler, of Massachusetts, was in that Congress, and when complaint was made by one of his constituents he promptly wrote him a letter

FOR HORSE AND PHAETON

to the effect that he had figured out the increase would cost this man two cents, and that if he would write him a letter enclosing four cents postage he would return to him his share of the so-called Salary Grab.

For a man who cared so little about the material rewards of life as did Senator Voorhees it was somewhat remarkable that he should have voted for the bill. He made a young man his confidant and told me how he happened to vote for and accept the additional compensation. He said they had an old horse that had practically reared the entire family; that they had an old, ramshackle phaeton to which they hitched the horse, and then Mrs. Voorhees drove to the market and bought the family provisions and carried them home in the phaeton; that all his children had ridden this old nag, and that on the morning when this bill for additional compensation came up he received word from Mrs. Voorhees that the old horse and the phaeton had been levied upon by the butcher to pay his bill, and with a stern look in his eye he told me that he made up his mind he would save that old horse and phaeton for the family if he broke up the Government of the United States.

As an orator his hold on the people was supreme. He always was a guest in our home when he came to our country town. In the course of a campaign I re-

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member noticing on one occasion, that when he began to speak his knees were trembling. When he returned to the house I asked him if he were ill. He said, "No," and inquired why I thought so. I told him that I observed, when he began talking, that his knees were trembling. He responded that he never arose to address the people without dread and fear, and that it took him quite a while to rid himself of nervousness and to become master of the situation. He explained that he believed this was brought about by reason of the fact that the first time he attempted to address a jury he became so nervous and excited that he utterly failed and sat down without concluding his argument. It was then that he said to me: "You are preparing yourself to practise law. Let me advise you, when you make your first jury argument, make it if it kills you, and see what effect it will have upon your future life." Time came, after a more or less imperfect preparation for the practise of the law, that a feeble-minded man entrusted his interests to me and it became necessary for me to address the jury in his behalf. When I arose to do so the world went black. I saw nobody, and my voice sounded as though it were in the neighborhood of Chicago. I was about to give it up when there mysteriously flashed into my mind the advice of Senator Voorhees, and I said: "I'll do this thing if it kills me." I pro-



Mr. Marshall just before he was elected governor of Indiana.

WITHOUT BATTING AN EYE

ceeded to talk, perhaps not intelligently, certainly not logically, and assuredly not wisely, but nearer and nearer my voice came back to me as I proceeded and one after another the faces of the jurors came out as faces come upon a photographic plate in the bath in a dark room. I said all I had to say and a good deal more. This has been the result of that experience: I have addressed kings, colleges, universities, Doctors of Divinity, scientists and plain citizens; I have made some of the worst speeches that ever were perpetrated upon the American people, but I have never been afraid since then to face an American audience. I believe that I would have the nerve to argue Protestantism before the College of Cardinals without batting an eye. It gave me—that first experience—this philosophy of public speaking: You do not hire the people to listen; they hire you to talk. Talk the best you can, truthfully as you see the right at the time, and let consequences take care of themselves. Your client need not hire you again and the public need not invite you a second time.

When I had passed my final examinations or, rather, when the faculty had passed me because they had seen of me all they desired, I took occasion to consult Governor Hendricks, General Harrison and Senator McDonald about the law. In those days law schools were just in their embryo. As an only child,

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my father could have afforded to send me to one of them but it was the unanimous opinion of these three men that if I could find in a country town a real lawyer, who would take me into his office and pay some attention to me while I was studying, that I could observe, along with the study, how the principles were put into active operation by watching the practise of the law. I was advised to go to a country town and not only read law but practise law for ten or fifteen years before thinking of coming to a city. I followed this advice, and my preceptor happened to be Judge Walter Olds, afterward of the Supreme Court of the state of Indiana.

Much amusement has been afforded the lawyers of America over the fact that the Constitution of the state of Indiana contains a provision that any man of good moral character may be admitted to the practise of the law. Sometimes when gentlemen of other jurisdictions have tramped too harshly upon our toes about this provision it has pleased some of us to answer that it is far better to have less learning and more moral character in the practise of the law than it is to have great learning and no morals. There is nothing new under the sun in the line of state-craft or in the way in which people expect to right existing evils. Government moves back and forth, like a shuttle, in the looms of life. Prior to 1852 Indiana

AN UNCONSTITUTIONAL CONVENTION

had a constitution under which all of the minor state officials and the judges were appointed. It had what has attracted most favorable comment in recent years, the short ballot and the fixation of authority in the hands of the few. Yet this very fixation of authority led to the formation of a political ring, the like of which was rarely seen in a new and growing commonwealth. Offices were parceled out for many years to come. People became incensed at the law and the lawyers who had control of everything, and in direct violation of their own constitution, without waiting for the time, in accordance with that constitution, when a new constitutional convention could be called, they raised such a hubbub as to compel the Legislature of the State of Indiana to provide for a constitutional convention. Part of the result of that convention was this clause in the constitution touching the qualifications for the practise of the law. The Labor Unions of to-day are no more afraid of the courts than were the people of Indiana for ten years prior to 1852. And if all the work of that constitutional convention had met with the approval of the Supreme Court of the state it would not have been at all difficult for any man who could read or write to practise law, without any other qualifications, in Indiana. For the Legislature did adopt a series of forms for every known question that could arise under

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the law, and all a man had to do was to fill out the blanks. Unfortunately for these reformers but fortunately for the good of the state, the Supreme Court declared all these forms to be unconstitutional, which rather took the tuck out of the man who desired to practise law, with no qualifications other than what he deemed to be a good moral character. There was no hope of getting rid of this provision and so the lawyers had to seek a way around it. One judge accomplished that purpose by immediately ordering a jury to be impaneled when a man had submitted his application to be admitted to the practise under his constitutional right to do so. On being asked what was the purpose of impaneling a jury, the judge replied that he proposed to submit the question of good moral character to the jury; to have it determine whether a man who had never read a line of law nor fitted himself to give advice, and yet who desired to swing out a shingle emblazoned with the statement that he was an attorney-at-law and was ready to give people advice about their rights and to redress their grievances, without any previous preparation, was a man of good moral character. It is sufficient to say that this application was at once withdrawn.

I shall probably hereafter allude to this provision in our constitution as touching an abortive effort of mine, in later years, to remedy it, but just now it is

GOOD BUSINESS

sufficient to say that those men who crept into the bar by this provision have not lowered the standard of the bar in Indiana a bit more than the fakers who have crept into the practise of medicine. A diploma will not make a lawyer nor a doctor, nor does it take long to disclose to the world the fact that the unfit man injures himself fully as much as he wrongs society.

The bar was in a transitional state in those days. The custom of riding the circuit was beginning to disappear. The business interests of the land were becoming so important that the lawyer soon had a local habitation and a name. His labors were largely confined to one community. Society was also beginning to transform itself from what I think was a lower to a higher phase of life. The duello, long forbidden by law, had at last become obsolete and had been succeeded by the settling of controversies with fist fights. Saturday, in our country town, was fight day. We felt that it had been a rather dull and stupid Saturday unless we had a half dozen assault-and-battery cases to try before the local justice of the peace.

I was, myself, much chagrined at the armistice in the World War. I felt then, and I have not yet changed my opinion, that the thing for the Allies to do was to continue and to make their settlement not in the city of Paris but in the city of Berlin. Nations

RECOLLECTIONS

are much like individuals, and I found out, in my country town, that where two men sought to settle a grievance by the fist and were pulled apart by their friends without a final settlement of the question of physical superiority that the fist fight was renewed from time to time. I found out also that when one of them gave the other a licking which satisfied him that he was not the physical equal of his opponent, peace soon came between those two men.

For a long while I eked out a precarious existence with these assault-and-battery cases. I did not know that they were just a phase in the evolution of the civilization of Indiana society. They furnished me a livelihood, and I am not quite sure that I felt any compunctions of conscience or shame at civilization when I saw a couple of husky fellows hammer each other, down in front of my office. Indeed, when the utter folly of such an attempt to determine the right or wrong of a controversy had been disclosed by education and religion, and such cases grew fewer and still fewer as the moral sentiment of the community grew, I began to wonder if I might not be like Othello—with an occupation gone. But let us never be discouraged about the lack of something to fight; something to overcome, and something out of which to make a living in this life of ours. Scarcely had we reached the point where these fist fights ceased, and it

A NEW REVENUE

looked as though I might be compelled to seek some other calling than the law, when the railroads began to cut off arms and legs and opened up a new source of revenue. There is hardly a good lawyer of the ancient days of northern Indiana who did not build himself an atrocious brick house out of the contingent fees which he collected from lawsuits prosecuted against railroad companies for mutilating and killing our citizens.

CHAPTER IX

WHEN Peter the Great was visiting London he entered the Court of King's Bench, where two advocates were arguing a cause. Upon inquiry, he was informed that they were lawyers. It is reported that his response was: "I have but two of them in my kingdom, and when I go back I shall hang one." The different attitude which the Russian ruler held and the British public hold with reference to law and lawyers may account for the difference between the two countries at the present time. For, say what we please about it, whenever there are no rules, there is barbarism, and wherever rules begin to be established and persons are chosen to settle controversies under them, there real civilization begins.

The courts are not perfect because they are composed of imperfect men. Nor is it at all marvelous that there should be much complaint about the doings and the decisions of these imperfect men. We expect perfection of conduct at the hands of everybody save ourselves. We criticize severely what others do, and palliate our own offences. Yet those who would take

A GROWING SCIENCE

away from the courts their constitutional right to decide questions are not very wise. The courts do not move with the rapidity of the demagogue but, nevertheless, they do move. The law is not a dead science nor an exact one. It grows to meet the growing needs and conditions of the people and the shifting tides of civilization. With no disrespect whatever, I declare that while the courts of this country may not always follow the Constitution, they do, in the language of Mr. Dooley, follow the "election" returns. The courts do not yield to the people's first-blush outbreak of indignity as to some seeming wrong, but if the outbreak continues year after year, in the end the court sees the law to be that which is the public opinion of the people. We are living, in Indiana, under the same constitution that we lived under in 1854. Two prohibitory liquor laws have been enacted by the General Assembly of this state. One about 1854, which was very promptly declared, by the Supreme Court of the state, to be unconstitutional. A like prohibitory law was enacted in the second decade of the twentieth century and was held, under the same constitution, to be constitutional. It is within the range of my own memory that the Supreme Court of Indiana held a license law, which required the saloons to close at eleven o'clock at night, to be unconstitutional, depriving men of their freedom because it fixed an

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unseemly early hour for closing places of refreshment. But the temperance sentiment, agitated through the decades, became more and more the fixed opinion of the people of Indiana, and the court reached the same conclusion as the people. It might as well be restated here what has oftentimes been proclaimed, and what is known to all intelligent men to be true, that the law of the land is, after all, merely the organized enforced moral sentiment of the people.

I endeavored, as governor, to enforce the law against the selling of beer on Sunday in a community that wanted beer. It was an impossibility to do so. The purchasers of the beer were uncertain but rather thought it was iced tea.

So you may look everywhere you please and you will find that which is the sentiment of the people, inevitably is crystallized into the decisions of the courts and jurors.

Some two or three years ago the people were appalled by the occurrences that took place at Herrin, Illinois,—men shot down in cold blood, in the sight of thousands of spectators, their throats cut, a drink of water refused to the dying; and nobody was punished; all acquitted at the hands of the jury trying the alleged offenders. A storm of indignation swept over the United States against the civilization of the people of the city of Herrin and the county of Williamson.

PURE AMERICAN

Newspaper editors requested their private bootleggers please to return upon the morrow, as they were busy writing scathing arraignments of conditions at Herrin, Illinois. Attempts have been made by the United Mine Workers of America to throw the responsibility for these occurrences upon a so-called Red movement. The attempt was a foolish one because it was wholly false and because there was no necessity for making any such defense. The court decision there was the judgment of the moral sentiments of the people of that county.

And here comes the startling thing in reference to the enforcement of the law. Here appears the difference between the law as it is written in cold type and the law as it finds its expression in the verdict of jurors and the opinion of courts. There never was any anarchistic movement in this county worth mentioning. The citizenship is composed almost wholly of people who trace their lineage back to the American Revolution. They are North Carolinians, Virginians, Kentuckians, Tennesseans and Pennsylvania Dutch. They are intensely religious, reverence the Bible, keep the Commandments, and you would better not be profane upon the streets of Herrin, Illinois, unless you have the money to pay a fine. They are, in their own opinion, patriotic to the core. They sent more soldiers into the World War than any county in

RECOLLECTIONS

Illinois, save Cook; bought more Liberty Bonds than any county in Illinois, save Cook. Their moving-picture shows open with the flinging of the flag upon the screen, the audience rises and sings *The Star Spangled Banner*, then they have the picture of George Washington, then of Abraham Lincoln and then the melodrama, perhaps, of Dead-Eyed Dick. Their politics date back to the controversy between Lincoln and Douglas. They would resent any suggestion that they are not loyal to the Constitution, the Union and the Flag. They attend church, have fine secret society buildings, good schoolhouses, well kept roads, and a vast majority of citizens own their own homes and drive their own cars. And yet the men indicted for the murders which took place there, were acquitted and I doubt whether there has been a restless dream in the mind of a single citizen over what occurred or over the result of the trial.

How account for such a condition of public sentiment? The answer is simple. These people were in a distinctly bad agricultural part of Illinois. Coal mines were discovered. They sought to eke out their precarious existence by working in the mines. They made two or two and a half dollars a day; they stood up to their shoe tops in water; gas explosions were frequent; death was the rule, not the exception; there was no sanitation, no health inspection, no gas inspection, no workmen's compensation. Along came the

THE RIGHTS OF MAN

United Mine Workers of America and organized them. They gave them a dry place to work; as perfect sanitary conditions as could be procured in the mine; workmen's compensation; reduced the loss of life and increased their wages to five, six and seven dollars a day. They thought the non-union miner who came in there was attempting to drive them back to what they believed to be a state of peonage. They believed their civil and religious liberty was guaranteed to them by the Government and the Constitution of the United States, but they thought that all the comforts and conveniences of life, all the opportunities their children were to have to get on in the future, had come to them from the United Mine Workers of America.

Whether there was any reason or justification for it no man knows, but they did believe that the opening of the non-union mine was an attempt to return them to their former conditions. They felt that as they had a right to defend their wives and their homes against assault, so, too; they had a right to defend their condition in life against what they deemed to be practically death to the conditions which they were enjoying.

The reverse of this situation constitutes the reason why the United Mine Workers are shot down in West Virginia. The mountaineer resents their interference with his freedom of contract.

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No, it will not do unqualifiedly to say because the letter of the law is not carried out on every occasion that those who do not thus administer it are essentially bad citizens. On the contrary, the only real way in which to judge it is to take the moral sentiment of the community and if the decision rises to the height of that sentiment then, whether you like it or not, you have the law. And you will never change any of these conditions otherwise than by educating the people up to a higher and finer standard; up to a better obedience of the strict letter of the law.

I remember well a case or two in northern Indiana that prove what may be called this theory but which, as a matter of fact, is an axiom of life. A rowdy and a bully who had been indicted and tried some forty or fifty times for assault and battery and for assault and battery with intent to kill, was shot down in his front yard, in cold blood, by a man who had heard that the dead man had said the next time he saw him he was going to give him the licking of his life. The so-called murderer purchased a shotgun and cartridges, announced that he was going to kill the fellow, rode ten miles, inquired of the postmaster where the man lived, told the postmaster, upon inquiry as to whether he was going hunting, that he was hunting for that particular fellow and intended to kill him; drove to his home, called him out into his yard and emptied

RARE OLD JUSTICES

both barrels of his shotgun into the man's breast. That is the story in a nut-shell, and the jury returned a verdict of guilty of assault and battery and fined the man twenty-five dollars. It was the moral sentiment of a pretty moral community that notwithstanding the laws of both God and man, the defendant had rid the community of a person who was not a reasonable being under the king's peace.

There were some rare old justices of the peace in the transition period of Indiana. They were of all classes and conditions. For a long while it was said that J. P. were the initials of judgment for the plaintiff. Every lawyer had his own justice of the peace and brought his own suits before him with the knowledge that he was sure to win. And this was occasionally true in criminal prosecutions, for in those days, as I believe it is now, the fee system prevailed and if there was not a conviction in a criminal cause the justice of the peace obtained no compensation for his services.

I well remember—when that future which is now behind me was before me—I was defending a man for assault and battery. The facts in the case were simple and plain. The defendant's wife was ill, the prosecuting witness came into the house and began to curse and swear, and when ordered out of the house kept up his vilification in the yard. Then he was ordered

RECOLLECTIONS

out of the yard, and as he stepped outside the gate he picked up a stick of stove wood and started toward the defendant, who promptly knocked him down. It was a plain and simple case of self-defense, and I so suggested to this ancient justice of the peace, who made a meager living by fining everybody, much the same as some country constables and justices now do when the tourist is said to have exceeded the speed law. I suggested there was no doubt about the question of self-defense, and the justice promptly said: "Yes, Tommy, it's a clar case of self-defense—and I will fine him one cent and costs!"

There were others, however, of this ilk who, perhaps, not knowing very much law nevertheless had a fine sense of what was right and what was wrong. An old skinflint had lent twenty-five dollars to a poor widow and had taken a mortgage on a brood sow. When the mortgage note fell due she was unable to pay it. In the meantime the sow had a brood of twelve pigs, and the old Shylock brought suit to replevin the sow and, with her, the pigs. There was no defense to the case that I could see, and yet it had such a nasty odor to it that I did freely the best I could for the widow. At the conclusion of the case the old justice asked the constable where the sow was. He replied that it was in the back yard. The squire arose, went out, came back, sat down, picked up the

ONE BROAD SOW

chattel mortgage and said: "This widow mortgaged to this man, as I read it, one 'broad' sow. I have been out and looked at her. She ain't broad, she's narrer. I render judgment for the defendant." The neighbors made it so warm with their laughter and criticism that no appeal was taken, the pigs were fattened, the note was paid, and, somehow, I think justice was done.

There was frequent comment made while I was governor of the state of Indiana over the pardon and parole of many men who had been convicted of murder or manslaughter. Much of the comment was of an unfavorable character. But our conduct in life is as much affected by our experiences as by any of the mottoes we learn to write in our copy-books at school. When I came to the bar, criminal law was even yet in a cast, both as far as the state and the defendant were concerned. The slightest error or omission upon the part of the prosecuting attorney in the return of an indictment, the failure to insert some necessary averment, would result in the quashing of the indictment and the defendant would go scot-free. He could not be reindicted. Of course, all that now has been changed, but then many a man who was guilty was enabled to escape the penalties of the law by some slight neglect upon the part of a prosecuting attorney. I discovered one such error after a jury had been sworn, called the court's attention to it

RECOLLECTIONS

and immediately was charged, by the prosecuting attorney, with having changed the indictment. Without thought or reason, I grabbed a heavy oak chair and with it struck across the table at the prosecuting attorney. Had it not been intercepted by a stout juryman I should, undoubtedly, have killed my man. The burst of passion ended almost as speedily as it began, but it left an impression on my life that followed me into the governor's chair. There are worse things than taking a life under the sudden heat of passion. Embezzlers and forgers and burglars—those who take time to deliberate upon their course of evil conduct—were not in favor with me, nor those who deliberately laid the plans for taking life; but those who, in a sudden burst of passion, killed their fellow-man, I felt might be guilty, as indeed they were under the terms of the law, but their repentance might be so sincere that society was as safe with them out as it was with them in, and they should have an opportunity to add something to the credit side of a badly marred life.

Thrift and cunning are not the exclusive possessions of gentlemen who operate on Wall Street. They are the virtues and vices which are common to men in all walks of life.

During the period of my active practise of the law the Pennsylvania Railroad doubled its track through our county. In order to do so it was neces-

IN MEMORIAM

sary to procure additional right of way. This could only be obtained by the exercise of the right of eminent domain or by purchase. This right of way took about a quarter of an acre out of a farm which the owner would have been glad to sell at fifty dollars an acre.

One day the real estate agent of the company, with the owner of the land and his wife, appeared in my office to have me draw a deed for this quarter of an acre, the consideration being eight hundred dollars. After the farmer and his wife had left, I asked the agent why he paid such an outrageous price for the land; reminded him that by the exercise of the right of eminent domain, he probably would not have been out, attorney's fees, costs and all, more than one hundred and fifty dollars. He gave a hearty laugh and proceeded to tell me the story.

He said he bought the land, first, through fear; secondly because of admiration for the ingenuity of the farmer. He called my attention to the fact that this farmer had a son-in-law who had lost his left leg in a threshing-machine accident. When it was ascertained that the railroad really intended to widen its right of way he took this leg and buried it directly in the line of the right of way, and erected a wooden marker, containing the words: "Sacred to the memory of the left leg of Blank. Balance to be buried here when it dies."

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The farmer claimed it was a graveyard, dedicated to a sacred and public use, and that no other public servitude could be placed upon the land. So, fearing that the court might hold it was a graveyard, and enjoying the shrewdness of the farmer, he paid him his price for the quarter acre of land.

The passions of party politics; the controversies between Democrats and Republicans arising out of the Civil War were long in dying out. I remember well a cause that was tried three times between a Democratic politician and a negro. Each jury had six Democrats and six Republicans on it, and each jury hung, voting six for the plaintiff and six for the defendant.

The practise of law in a country town is not conducive to the accumulation of vast wealth. Nor is there the slightest opportunity in the world to become a specialist. In a miniature way about everything arises that can cause a lawsuit. We never had any millionaires who could afford to pay large sums of money for the so-called great experts of America to determine that the defendant was innocent, or that he was born without the necessary gland that worked his conscience. We never got that far, but we had the plain, every-day expert, who knew a little about epilepsy and a little about idiocy and who, for a compensation theretofore or thereafter to be paid, was

A SPECTACULAR FRAUD

quite willing to express an opinion that the man was sane or insane, idiotic or in possession of his full faculties. We did get to the point of inherited insanity, and we heard all about the *grande mal*, *petite mal* and Jacksonian. I could understand the definitions and the symptoms of *grande mal* and *petite mal*, but I never was able thoroughly to understand how anybody could tell what they called Jacksonian; in other words, an insane condition that did not disclose itself by any abnormal condition of the body, of the mind or of the language. Nevertheless, they were quite sure there was a brain storm, which was a complete defense for any sort of crime that man might care to commit.

I listened to these experts hired by myself and hired by the opposing counsel in cases that were interesting and far too numerous to mention, until I reached the conclusion that about the most spectacular fraud that has ever aired himself before the American people is the so-called medical expert. By this I do not mean to say that he does not know anything, that he has not any more knowledge than I have, any more skill in determining what is the real condition of a man's mind, but I do mean to say that the jurisprudence of America is disgraced by some of those in the medical profession. Surely, if medicine be a science then there should be no difference of opinion

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as to the conclusion that should be drawn from a certain set of facts. If they know, they should agree. And, consequently, their total lack of agreement compels me reluctantly to say of a profession for which I have the very highest personal regard, and of which my own father was a member, that its views are so frequently jaundiced by the pay they receive that it is the most difficult thing in the world to tell who is speaking the exact truth, uncolored by personal interest, and who has suffered his views to be colored by his employment.

We are not up-to-date in America along the lines of expert testimony. These men do know, or can know, their opinions should be taken and should be relied on, but they should be removed from the sphere of being either witnesses for the prosecution or witnesses for the defense. For their skill, their learning and their integrity they should be appointed a commission by the court to hear the views, examine the patients, take all the time and precautions they please, and make a report as officers of the court, and this report should be final in its character. And this commission should be paid for as a part of the expenses of the trial. In no other way can the law justify itself with reference to expert testimony. I am quite sure that in no other way can the medical profession restore itself to the good opinion of the courts and the bar of this country.

CHAPTER X

IN A great city the phases of life which ordinarily you meet are human nature ossified and human nature distorted. It is in the small town that you are most likely to run against human nature which has neither been cast in a mold nor into a dump heap, but is simply in the raw. It is there you can see all the primal instincts of man shown forth in every-day conduct, with little attempt to disguise them and none whatever to apologize for them. Your city-bred man imagines that his cousin Reuben, from the country, is frank, open, crude and impolitic, if not impolite, because he thinks it's "smart." He is quite likely to be mistaken in this estimate of his country relative. His cousin acts as he does because it is entirely natural for him to do so and because he has not yet learned that the way to get on in the world is to disguise from the other fellow everything the other fellow does not happen to like.

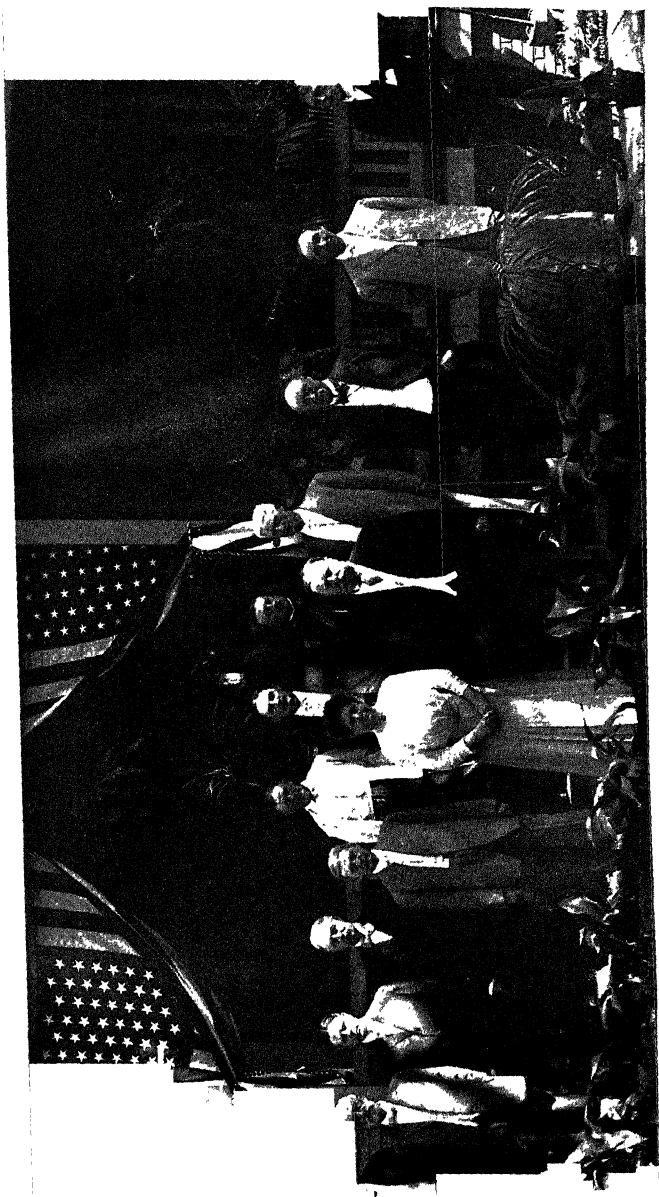
Indiana has waded through much slaughter of the English language to her throne of literary excellence. Scarce a town that has not had its "Mrs. Partington"; scarcely a spot where some perfervid orator was not

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impressed with the sonorous quality of his words rather than with the clarity of the sentiment he was seeking to express. These battles with the English language which have been won for pure English are nevertheless worth while remembering because of the humor injected into them. I have listened to many of the world's greatest orators; have been moved by their words to sympathy, to anger and now and then to enthusiasm. But what it was all about, and what they said has either been lost to my memory or pigeon-holed in the basement, with the elevator out of repair. But I can never forget some of the amusing things which in the earlier days I heard from the lips of incipient orators. I see now a slow procession wending its way to the county fair-grounds. I observe, bestride a prancing horse, a veteran of the Civil War, acting as the marshal of the day. I note a float with beautiful girls of tender years representing the several states of the Union, each waving an American flag. I see the citizens on horse and on foot joining in the ceremonies of the day. I listen to the raucous voice of the small boy, as he cries:

“A red pepper pod in every man's eye
Who won't celebrate the Fourth of July.”

And back from the other side of the street comes the response:



Seated: Chas. D. Hillis Harry S. New Capt. Archibald Butt George C. Hitt James A. Hemenway Richard Smith
 Volney T. Mahott Gov. Marshall Merrill Mooros Mrs. Fairbanks Vice-President Fairbanks
 Addison Harris Mrs. Fairbanks President Taft
 When President Taft was in Indianapolis July 4, 1911, at the home of former Vice-President Fairbanks

THE GLORIOUS FOURTH

“Fee, fi, fo, fum,
I smell the blood of an Englishman;
Dead or alive, I’ll have some.
Fee, fi, fo, fum.”

It was the Fourth of July. Dedicated as much to keeping alive the bitterness toward the British Empire as it was to glorying in the natal day of the Republic. I follow with the rest of the crowd, get myself as close as I can to the stand, broil in the hot summer’s sun, listen to a long winded prayer by a local clergyman, then the leading lawyer of the town reads the Declaration of Independence; and by that time we are almost ready to declare war anew against Great Britain. Then comes the orator of the day. I see him now—tall, gaunt, clean shaved, wearing a Prince Albert coat that reaches below his knees, and a white bow tie that hitches with a clasp at the back and has the inherent viciousness in it to seek, from time to time, to climb up and rest itself on his left ear. Indeed, it is questionable whether his oratorical effort or his effort to keep his neck-tie on, occupied most of the distinguished gentleman’s time. What all he said I do not know. It has passed into the limbo of forgetfulness, save this portion of it which still abides in my memory: “Methinks I hear the tramp, tramp of the Pilgrim Fathers as they march from Plymouth Rock to ‘Fennell’ Hall to sign the Declaration of

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Independence.” It was the end. We vociferously cheered him, and then we nominated him and elected him as our representative in the next General Assembly of the state of Indiana. We felt that we had a champion who would be true to the great principles of American independence.

No Fourth of July, in those days, was complete without baiting the English. They were the legitimate objects of universal condemnation. It has taken a long, long while for that ancient bitterness to cease to be, at least measurably. In fact, I doubt whether it would not be as intense as ever if these old-fashioned Fourth of July celebrations were as common now as they were fifty years ago. This hatred of the Briton, his works and his ways, consciously and unconsciously permeated the minds of all classes of citizens. It was only after mature study that I was enabled to learn that not all the people of Great Britain were to blame for George III and his Cabinet, and to ascertain that in the years which followed they had in their own government substantially fought revolution after revolution to acquire just the same rights that we have.

So slow has been the disappearance of this sentiment that it continued with some degree of bitterness down even to the time when the mutations of politics made me the governor of Indiana. I have always

BOMBASTIC LEGISLATION

been much for keeping alive patriotic sentiment. I have always thought that the oftener *The Star Spangled Banner* was played the more clearly would be impressed upon the minds of the citizens the greatness and glory of the Republic. Therefore, when there was presented to me for signature an Act of the General Assembly of the State of Indiana requiring that *The Star Spangled Banner* be sung in its entirety in all the schools of the state, I cheerfully affixed my official signature. When, however, it came to the practical application of the act I discovered that it was not accompanied by an appropriation to furnish words and music to the pupils of the state of Indiana; and that to do so would, the first year, have cost in the neighborhood of an hundred thousand dollars. So as no appropriation was made, and I dared not take that sum of money from my contingent fund, the act became a mere bit of bombastic legislation.

Some months after the General Assembly had adjourned I was called on by a friend of Irish descent who asked me to inform him when the act was to be put into effect. I explained the financial situation. I said to him that for patriotic reasons I was extremely sorry that it could not be done. Whereupon, with the frankness that always marks the conduct of a man of Irish descent, he notified me that the act had been prepared and presented by the Clan na Gael; that

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they had no patriotic purpose in it whatever, but that they desired it sung in its entirety because there was one verse in it that gave the British Lion's tail a particularly vicious and nerve-racking twist. He was frank about it, at least, and I was again impressed with the view that Providence looks after fools. It did no harm to sign the bill, but if I had read it and understood its purpose I most assuredly should have vetoed it.

I suppose that "Mrs. Partington" has not yet permanently disappeared from our life, nor will she while people insist on using language for its mere sound, without the least conception in the world of what the words they use may mean. I remember a smallpox scare—and they were real scares in those far-off days. I met our "Mrs. Partington" and asked him how severe the epidemic was. He told me there was nothing in it; that he had seen the doctor and the doctor told him there was no smallpox in town; that there was a woman who had "celluloid," but they had her "canteened" and there was not the slightest danger. Your city-bred man goes to the vaudeville for his amusement, but in your little country town you have men such as this who furnish you your amusement. It is entirely original in its character and it costs you nothing. This grade of amusement is like the man who left the Presbyterian church and became

MY PROUDEST MOMENT

a follower of Christian Science. One of his friends met him and asked him what he thought of his new church. His answer was typical of the thrift that was needful in the small town: "It's just as good as my old church, and a little bit cheaper."

The real amusement of those earlier days was not golf nor mah jong. It was local politics. It was played by everybody with the zest of the confirmed gambler. I have had some delightful experiences in life. There have come moments to me when, if I had not been conscious of my lack of merit, I should have been proud beyond compare. But looking back over fifty years of life filled full of many small and a few important events, I think the proudest moment of my life was when I saw a four poster bill stuck up in front of the court-house carrying in different colored inks the announcement that Honorable William Jones, John Smith, Esq., and Little Tommy Marshall would address the citizens of Poorhook on the political issues of the day. Honors, enjoyment and happiness are all relative. Why not take the gifts the gods bring you and be content? It was at this important meeting, when the fate of the Republic and civilization hung trembling in the balance, that one of the orators of the occasion announced that the principles of democracy were spreading all over this country of ours—from the lakes on the north to the "Mediterranean" on the

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south. It was also at the conclusion of my great effort to restore constitutional government to the people of that neighborhood that we adjourned to a neighboring farm-house to witness a wedding ceremony. The services were performed by a justice of the peace who had just been inducted into office. I assume that when he married his own wife he was so frightened that he did not know what had taken place, and I rather think he had never seen another marriage performed, for this was the substance of the ceremony: He asked the bridegroom whether he took this woman to be his lawfully wedded wife, without relief from valuation and appraisement laws, and upon an affirmative answer he asked the bride whether she took this man to be her lawfully wedded husband, without benefit of clergy, and upon her nodding her head in assent, he concluded the service by pronouncing them husband and wife, in the name of the state of Indiana, Whitley County, SS.

Years afterward, when I was struggling desperately in my campaign for governor, a certain district committeeman in Indiana introduced me to a young man, on the railroad train, and asked him where he was going. He gave the name of the town and informed the committeeman that he was going there to be married. Upon inquiry as to whether his prospective bride resided in the town, he said no, she was on

A GLAD GIFT

the train. He pointed her out—a round, roly-poly, good-natured and care-free girl, of some foreign extraction. The committeeman, beguiled by his Satanic Majesty, told the young man the next governor was going to talk in that town and that if he would marry the girl on the speaker's platform all license fees and clergyman's honorarium would be attended to. Imagine my surprise, therefore, when I climbed on the platform and faced the audience, to find this young fellow there with his girl and the clergyman and a demand from the committeeman that I give the bride away. I looked her over and concluded to do so. I did not want her myself, and I had no objection to anybody taking her who did. Indeed, this has been the law of my life: To give away gladly and joyfully to anybody who wanted it, anything I did not want myself.

During the time I was governor there was never a Christmas came around that I did not seek to scatter sunshine somewhere if I could do it without cost. Just before one of those festal days I discovered there was a man in the penitentiary for deserting and failing to support his wife. I thought here was a chance to disclose the Christian spirit, and so I sent him a parole conditioned on his returning home and supporting his wife, with orders that it be delivered to him by the warden on Christmas morning. The day following,

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the parole was returned to me with a polite letter from the prisoner stating, in substance, that he hoped I would not believe him unappreciative of my thought of him at the holiday season. For that remembrance he was deeply grateful, but he was compelled to return the parole to me as he enjoyed himself far better in the Indiana penitentiary than he did living with his wife. I thought a man of that frankness was entitled to some kind treatment and so on the next Independence Day I pardoned him.

Modern politics has for its bane the "dope" writer. By some mysterious process known to him, and to him only, a nomination for public office has more effect upon the nominee than any religious revival could possibly have. If he be the dopest's friend he does, indeed, become a candidate in the true sense of the word. He not only walks around like the ancient seeker for office in Rome, in a white garment (barring the Ku Klux hood) but he is white all through and through. The holy oil of consecration poured upon his head by a primary or a convention sets him apart from the rest of mankind. He ceases to be a man of like passions with the rest of his fellow-countrymen. He is lifted into the blue ether of political and personal perfection. But the strange thing about it is that it must be the oil of the party convention that the writer believes in, for the oil of the opposing party

THE CRIMINAL CANDIDATE

makes of an ordinarily decent and respectable man the most despicable of citizens, and there is nothing too mean to be said about him. But in those old days nominations did not accomplish this result and the people were not called upon to get their information as to the character and standing of the candidate by what the newspaper boys might say touching him. Ordinarily, on Saturday night before the election, the county was flooded with voluntary affidavits sworn to by men of good repute charging the candidate with every crime mentioned in the penal code of the state and the moral code of the Ten Commandments. One was amazed at the making of these affidavits and wondered why nobody was ever punished for the perjury that was contained in them. At last a candidate for the general assembly was charged in an affidavit with having swindled a blind soldier out of his pension by selling to him forty acres of swamp land that nobody could get to without wearing gum boots reaching to the hips. This candidate concluded to try to punish the man who made the affidavit, and then it was that he discovered it was no offense, in the state of Indiana, to swear to a voluntary affidavit. This subsequently led to the creation of such a statutory crime. But this man was not to be balked in his revenge in justification of his character, so he brought suit for libel, tried his cause and obtained damages in the sum

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of one cent, the jurors explaining that to be beaten out of holding office as a member of the Indiana Legislature wasn't worth more than a cent.

Schoolhouses of those days were the little red schoolhouses of New England, so fondly referred to by following generations. They were the nuclei of neighborhood life and neighborhood information. They were occupied nearly every night by some band of predatory politicians endeavoring to dispense sweetness and light to the assembled multitude. All that has passed. So far as I now know the president of the United States could not obtain the use of a schoolhouse in Indiana for the purpose of making a political speech. Newspapers, periodicals, the radio, motor-cars, the facility with which people can get together, gather in great crowds and listen to men who are running for important offices, has closed the schoolhouses for such purposes. And yet, I wonder if there is not in this, as in some other so-called improvements, some loss to the world? I venture to place on record my belief that a meeting where twenty-five to fifty people convened to hear men talk on public questions was one of the ways in which people retained their love for and kept up the local government. The moment that anything in life becomes the other man's business, that moment you cease to have a lively interest in the results involved. I do not say

LOCAL SELF-GOVERNMENT

that we had such cultured government as we now have; such efficient government as the modern method of centralizing authority has produced, but I do say that we had more people interested in all the problems, large and small, which confronted them, and that what we lacked in efficiency and culture we made up in honesty and hard common sense. Nothing is so likely to undermine the Republic as this rapid disappearance of the doctrine of local self-government. I, of course, like to hear what presidents and governors and senators may have to say on the great problems which confront us, but I am very sorry that I have lost the opportunity of hearing "Farmer Jones" and "Blacksmith Smith" get up in the political meeting and from the school of common sense and experience, say what they think. There are yet matters of great moment which tend toward the peace, quietude and good order of the several communities of this day that ought to be looked after by the people themselves rather than by a bureau in Indianapolis or Washington. And the people still have interest in these things, but they think they have no longer control over them.

One of the interesting stories of those early days was of a political meeting in which a United States senator had discussed national questions with the crowd and as he sat down the audience began to trail out of the hall, when a local candidate arose, lifted up

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his voice and said: "My fellow-citizens, I hope you won't leave. I want to say something to you touching the dog law that is now in force." Every man returned to his seat, with his coon dog by his side, and I am not sure that the Democratic majority of the county that fall did not come more from the local candidate's opinion of the dog law than from the senatorial candidate's opinion of the tariff.



President Taft and Governor Marshall reviewing the parade in Indianapolis July 4, 1911. Vice-President Fairbanks on the President's right

CHAPTER XI

ALL my life long I have been interested in the politics of the country. That interest was bred in the bone and was accentuated by the stormy clashes which took place in the North after the conclusion of the Civil War and during the period of reconstruction. Nobody who was not an active participant in the campaign of 1876, in the state of Indiana, can now understand how grave a crisis faced the Republic for a second time. I deplore these modern political days, not because they are not just as good as the ones in which I spent my young manhood but because they are different. I regret the disappearance of the oilcloth caps and the oilcloth cloaks and the smelly gasoline torches; the music of the amateur drum corps and the long processions.

It was during my time at Wabash College that the Democrats made, one night, a demonstration of this kind in behalf of the candidacy of Governor Hendricks. In the morning the Democratic newspaper, in giving an account of the political meeting, announced that it was the greatest torch-light procession that had ever marched in the city of Crawfordsville; that it was

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so large it took two hours to pass a given point. The evening Republican paper quoted this statement, confessed it was true, and then added that the given point was Mike Mulholland's saloon.

Great changes have come to pass in politics since those earlier days. No man could hope to secure a nomination and vain was his chance of election unless he stood in with what was familiarly known as the "liquor element." There were no laws fixing the amount of campaign expenditures and consequently no laws tending in that respect to duplicity and perjury. The candidate was expected to leave enough money in each saloon to see that the boys obtained their favorite tippie. Nothing was thought about it, nor did it detract from the popularity of the candidate with staunch temperance principles. I remember a wave of temperance reform, no one as yet having dreamed of prohibition, which swept over the state of Indiana. It was the first mutterings of the suggestion to carry the question into politics. Although it was not a muttering for legislation against the traffic, it was against the candidate. In a public meeting which I attended, supposed to be purely non-partisan in its character, a distinguished Republican judge startled the audience by announcing that from that time forward he proposed to vote for a temperance Democrat rather than for a drunken Republican. He

A COCKTAIL EXPEDIENCY

was followed by a minister of the gospel, who was known to be a staunch Democrat, and who spoiled the wild enthusiasm of the moment for the cause of temperance, by saying that he, too, proposed hereafter to vote for a temperance Democrat rather than for a drunken Republican.

There were some amusing incidents accompanying that first low wash upon the shores that were afterward to become arid under prohibition. In one community there were three distinguished citizens, all devout members of the church, but all with a cocktail taste, who were appointed a committee to draft resolutions on the temperance question. They were in rather close straits as to how to phrase the resolutions without condemning themselves or pledging themselves to prohibition. Fortunately, they were gentlemen of great expediency, and so the resolution which was reported and adopted read as follows: "Resolved, that we will do all in our power to get other people to quit drinking liquor."

It was no unusual incident of those earlier days, before the Australian ballot and when anybody could have ballots printed containing names from both tickets, or even independent names, to corral what was known as the floating vote, fill it full of redeye, lock it up the night before election and march it to the polls early the next morning, where it voted what was known

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as the vest-pocket ballot. Sometimes these fellows were not sufficiently recovered from the debauch to distinguish the ballot. I remember sitting upon one election board when we found in the box a tax receipt and an unreceipted store bill. Where the county vote was close, stealing these floaters was the great political pastime of the night before the election. I know a man who took one of them to his room to keep him all night in order that he might vote the Republican ticket the next morning. How to get him away and put him in the Democratic corral was the problem. It was finally solved by some irresponsible Democrat setting fire to a wood-shed and then raising the cry that the Republican's store was on fire. He rushed to save his property and the Democrats stole his chattel.

I suppose there is a great deal of crookedness and dishonesty in politics to-day, but I feel quite sure that the morals are above those of fifty years ago. I had great hopes that out of the World War there would really come a united American citizenship among which no question of race or religious belief would ever again arise. I had a compassion, strange as it may seem, during the war for those of foreign birth and foreign extraction. I have not even yet reached that state of life wherein I can not err and wherein I am sure to be everlastingly right. Nor have I ever

FOND OF THE HYPHEN

been able to rid myself of the idea that a man should sing low touching wrongs and grievances for which he himself has been particularly responsible. I know too well how little attention was paid prior to the war to the making of American citizens. The constitution of Indiana of 1852 contains a proviso that any foreign-born person who has been in the United States of America one year, in the state of Indiana six months, in the county sixty days, and in the precinct thirty days, and has declared his intention of becoming a citizen, shall be entitled to vote. This constitution was adopted shortly after the failure of the German Revolution of 1848. Its purpose was to attract to the then unsettled lands of Indiana those sturdy Germans who were leaving the old country and coming to America seeking political and religious freedom. It was held up as a prize before their eyes, and they came and in later years held office, innocent of the illegality of their election. It was only after I became governor that we made an attempt to rectify this wrong and discovered that hundreds of our very best men were not citizens, either of the United States or of the state of Indiana. We welcomed these foreign-born, and welcomed them rightly; we were proud to have them inhabit our land and rather admired their retention of their Old-World customs. We liked fondly to refer to the German-American, the Irish-American and the

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Franco-American. We made our appeal politically to them as though they had one foot on their native soil and the other upon the soil of Indiana. We did not even stop with this question of blood. We catered, as it paid, to Protestant and Catholic views. We were very liberal with the Catholic vote where it was the predominating element in the election, and were very censorious of it if it did not happen to be for our party. The only man I ever knew who sized the thing up right and did not know it, was the mayor of one of our cities.

There was a country Catholic church where each year, in August, they had a picnic, and where all the politicians and incipient office holders foregathered and where they were expected to make speeches. On one of these occasions some sons of Belial concealed a number of kegs of beer in an adjacent wood, and this mayor tarried longer at the beer than he did at the picnic. He arrived more than half-seas over and was immediately seized, conducted to the platform and called on for a speech. He was barely able to hold himself up and to utter these words: "Fellow-citizens, we meet to-day upon a common level—Protestants and Presbyterians—" and then he dropped dead drunk upon the platform. It was a Catholic picnic, but the humor of it amused everybody. So when the World War came on I assumed that we would

RACE AND RELIGION

break up these wholly false divisions; that we would be blended into a common citizenship; that from that time forward no inquiry would ever be made as to the blood which flowed in a man's veins, or the church where he worshiped God; that the only question would be, "Is he a good American citizen?" And that the only appeal of the politician would be to such. That course of conduct would have been strictly in accordance with the provisions and guarantees of the American Constitution, but, alas, like history, human nature repeats itself. From age to age its passions and its prejudices flame forth, and after the conclusion of a great war which was expected to end war and to develop more and more that spirit of brotherhood which alone can guarantee democracy in this land of ours, there is as much bitterness over religious views and racial characteristics as there has been at any time in our history.

The campaign of 1876 was perhaps the most remarkable one that I have witnessed. Instead of the ordinary guerrilla warfare of the party newspaper the Democratic partisan press all over the country printed each week the same editorial. These were prepared in the Democratic headquarters in New York, at the expense of Mr. Tilden, and in my judgment were responsible for his election. I had risen that year to the dignity of Captain of the Tilden Guards. I was en-

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thusiastically for Mr. Tilden. When the well-known troubles in the South began, we were all anxious for Mr. Tilden to announce that he had been elected president and intended to be inaugurated. If all communities had been such as was ours, Samuel J. Tilden could have plunged us again into a fratricidal war, for we were foolish enough to have met secretly and to have declared that we would purchase guns and go to Washington to help inaugurate him. Tilden and Douglas have been my idols. They are the two men in all American history who when the peace and good order of their country were at stake cast aside every hope of personal preferment for the sake of the Republic they loved so well.

Individuals and parties that seek vindication for defeat should learn one thing: and that is, that the composite mind of America soon forgets. The campaign of 1880 might have contained some hope for the Democratic party if it had been fought on the tariff question and the rectification of the wrong which in the judgment of so many of us had been done Mr. Tilden. I wonder what James Russell Lowell would have done in the year 1924 if the election had been in danger of going to the House and he had been an elector in the state of Massachusetts, as he was in 1876? He was quite convinced that Mr. Tilden had been elected president of the United States. He admitted

FROM AXIOM TO HERESY

that as an elector he had the perfect right to vote for him, and had he done so Tilden's election would have been assured and the controversy at an end. But so staunch a party man was he that he declared his belief that an elector was bound to vote for the candidates of his party, and consequently he voted for Mr. Hayes. Party loyalty has been so loosened since that time that I am venturing to guess that under like circumstances he would exercise his own judgment and do what the Constitution of the United States gave him a perfect right to do.

But the campaign of 1880 drifted away to the question: Who saved the Union—the Democratic or the Republican party of the North? And so we quarreled about who saved it, as though that were a matter of any moment whatever—it having been saved—and then we were chagrined and the Republicans were jubilant because General Hancock announced that the tariff was a local issue. Well, what is the folly of one generation may become the wisdom of another. And what is true to-day as a political axiom may be denounced as a political heresy to-morrow. I have lived long enough to see this much ridiculed dictum of General Hancock's turn out to be the sober truth. For this heresy—that the benefits accruing to a few must inevitably permeate the whole—has not only been accepted as the truth by all those who claim to be Re-

RECOLLECTIONS

publicans, but a vast number of men who claim to be Democrats have been convinced that so far as their little interests are concerned the theory is correct. Who now doubts that the tariff on a few thousand soy-beans has lightened the burdens, increased the income and brought peace, contentment and plenty to every home in this land of ours?

So much has been written and so much is held in remembrance about these years of political conflict that it is neither wise nor needful to elaborate on them. Out of the real tragedies of life it seems to be impossible for the American people not to extract a bit of humor, here and there. Indeed, if it were not for our ability to laugh the Republic would many times have run red with blood when the passions were aroused over great injustices. When the awful and lamentable tragedy, the assassination of President McKinley, occurred, a rampant religious leader in our town tore his hair and shrieked aloud to heaven, asserting that again the Democratic party had murdered a Republican president. A big fat Democrat standing by him said: "Shut up, Parson! If you'll let us elect a Democrat once I give you my word that you can take a pot shot at him."

That campaign of 1896, when I was a member of the Democratic State Central Committee, was perhaps the most disheartening of my life. We had no money;

FALSE ISSUES

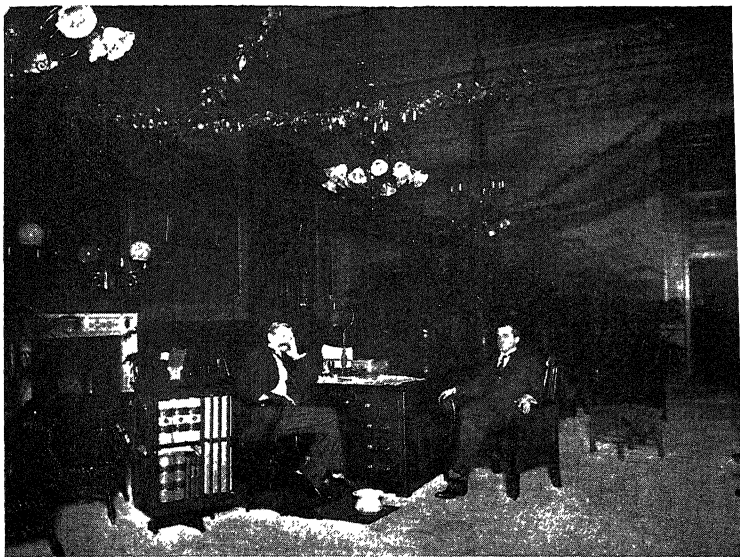
disloyalty was everywhere apparent in state and local organizations. I could not get a notice inserted in the papers without paying for it out of my own pocket, and in advance. I felt then, as I feel now—that, like most of the great things of life, the fight was made over a false issue. The Spanish-American War was not fought because the *Maine* was sunk in the harbor at Havana, although that was the ostensible reason given to the people. The real reason was that the soul of America had been so long outraged by Spanish misrule in Cuba that it could no longer keep silence. The World War was not entered, in reality, because a few of our ships were sunken and a few of our citizens were lost upon the high seas. It was because the soul of America could no longer yield its assent to the doctrine that there were two measures of conduct—one for the individual and one for the state—and that the state could order the individual to break every moral law and the individual go scot free in the courts of man and God because he had obeyed constituted authority. So, too, the campaign of 1896, regardless of what the wise men may say about it, was not fought over the free and unlimited coinage of silver at the ratio of sixteen to one. It was not a question of coinage and currency at all. It was a question of banking, and the election disclosed it to be such, for every state that had sound and responsible banking

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institutions, and where people did their business by check and not by cash, went for McKinley, while all the states where the banks were wild-cat and irresponsible, and where men carried in their pockets currency with which to pay their debts, went for Bryan.

I was in a district that was largely of German extraction. They liked to hear the jingle of the guinea. They had a dread and fear they were to hear it no more and so they left the Democratic party in droves. This lack of confidence spread itself to organizations. In my mad effort to straighten up the lines I had an incident which shows conclusively that it is valueless to argue against fate.

In an adjacent county the chairman of the committee had lost his farm by foreclosure proceedings at the hands of a firm of Jewish bankers. Of this fact I was unaware when I learned that our chairman was off the reservation and went to see him about straightening up his organization. I discussed learnedly the coinage question with him, and finally wound up by saying that this had been practically the ratio at which silver had been coined since there was any known record kept; that if he would pick up his Bible he would discover that Abraham had purchased the Cave of Machpelah, to bury his wife, Sarah, therein, and had paid for it in Jewish half shekels of silver coined at the ratio of fifteen and one-half to one. He



Governor Marshall and his secretary, Mr. Thistlethwaite, in the Governor's Chamber, State-House, Indianapolis
 On the steps of the State-House, Indianapolis. In the front row with Governor Marshall are Thomas Taggart and Josephus Daniels

HE LOOKED AFTER IT

shifted his tobacco to the other side of his mouth and said: "Yes, just like a blamed Jew! Getting property at fifty cents on the dollar!" It is needless to add that my efforts were vain, and that the long and illustrious history of my congressional district as the banner Democratic district of Indiana was closed.

Nobody can pay a higher tribute to the honesty, integrity, frugality and industry of the man of German extraction than I. Yet I am compelled to say that the blood, like all other bloods, has some peculiar characteristics. It is blood that does not change its views with every shifting wind; it is blood also that does not forget easily an injury. A young man of this nationality consulted me once in the belief that his wife had been defrauded by her brothers and sisters in the settlement of their father's estate. I was unable to see anything I could do for him and told him so, suggesting, however, that he consult some other lawyer. His answer was: "No! I'll look after it myself!" Although the evidence was wholly circumstantial, and he never told me the truth, I am quite convinced that about a week afterward he loaded up a repeating rifle, shot one brother-in-law dead; shot an arm off the second; a leg off the third and put a bullet through the lung of a sister-in-law.

Still striving to straighten up the Democratic lines in the old Twelfth Congressional District, we began,

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in 1898, to put men of Teutonic extraction on the ticket. In one county the nephew of the most important German was nominated for county auditor. So I went to this leader of his people and congratulated him on having returned to the Democratic faith; hoped that we might rely on his aid and assistance in the campaign, and received as an answer: "I'll do what I can for my nephew, but I'll do nothing for anybody else."

In some mysterious way, although I stood fast by the organization I still retained the friendship and good will of these people, so that when it became necessary for them to decide whether or not they would vote for me for governor, I received more votes in that district than were ever cast for any candidate for office prior to the adoption of the Woman's Suffrage Amendment.

Things drifted along politically until the year 1906. I considered an active interest in political affairs not only my duty but my diversion from the practise of my profession. In that year there was an effort to nominate me as candidate for Congress. I promptly killed the movement. I had had a partner who had been in Congress and I thought one from the firm was sufficient. In the course of conversation with the leaders of the party it was suggested that I ought to run because every county in the district, save ours,

NO ALSO-RAN

had furnished a candidate and all had been beaten since 1896. The pleasure of running for office and being licked, however, never appealed to me. I had not the slightest desire to be classed among those who also ran. They were a little bit impatient with me and finally asked whether I ever proposed to run for office. To get rid of the situation, I intimated that I did not think I ever would, but if I did I would be a candidate for governor of my native state.

CHAPTER XII

Luck—fate—kismet—foreordination! What's the difference? Devout man and doubter each alike recognizes the inevitable in some things. I had an old-time friend, in northern Indiana, who was in one particular at least in hearty accord with the divine. One day with him was as a thousand years. He would come into my little country law office with a mournful tale of the misfortunes which had overtaken him. He would elaborate his struggles and failures in trying to get on in the world. He left me in no doubt that, in his own language, he was fiddling in hard luck. Although it was doubtful whether from the time he left Sunday-school he had ever spent an hour in the consideration of life from a religious standpoint, he would always end his mournful recital with this statement—that "there is a divinity 'that hews our ends rough.' " And then he would strike me for a small loan until to-morrow. Having never yet realized on any of them is the reason I say that one day with him is as a thousand years.

When things go well with us in this world we are quite sure that it is due to our own initiative and devotion to the cause in hand. We are never fore-

IF HE MADE ME

ordained to good. It always comes to us by our own exertion. But every ill that creeps within our doors was foreordained to enter. Nobody is unwilling to lay upon the shoulders of that great force which some of us call God and some fate and some luck, all the ills that come to him. And there are few who are willing to admit that good comes except as the result of our personal efforts.

And into life there enters also another element. If we have been friendly and well disposed toward some one of our fellow men and success attends him, we are quite sure that we ourselves have been the major factor in the problem. We take a great deal of satisfaction over the supposed fact that we have been responsible for the careers of our friends, and this often leads us to think that our friends should live their lives and thus work in the way we think most appropriate. And if they do not happen to coincide with all of our specifications they are likely to be placed in the In Bad Club. Long years ago I happened to do something which did not suit a man who had been kind to me in my earlier days. He rebuked me for my course of conduct and notified me that he had made me, and that I was a dirty dog. I could not resist the temptation to respond that if he had made me I could not well see how he expected me to be anything else than a dirty dog.

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There have been a good many men who made me politically. Now, if ever I were really so made, it must have been at the hands of somebody else than myself, and I shall be charmed to give to any one who desires it the honor of having made me politically, if such person will consent to be responsible for all the idle and foolish things I may have done in what is called my political career. I owe all these friends an infinite debt of gratitude for their faith, their zeal, their charity and frequently for their mistaken enthusiasm, but as I conceive it, I have never been anything more than a nickel-plated politician. The things which many people conceive to be necessary and advisable in politics I either despised or imagined to be unjustified and ill-advised.

I was lost, or thought I was, in the pine forests of northern Michigan in the summer of 1907 when word reached me that my good friend, Louis Ludlow, had taken his life and reputation in his hands and had dared to assert that he thought I would make a good Democratic candidate for governor. His suggestion was immediately approved in a two-column editorial in *The Fort Wayne Journal-Gazette*, by the most loyal soul who ever lived on earth, Andy Moynihan.

Mrs. Marshall and I came back from our vacation, brown as berries and impecunious as tramps. I found that my law office was about to be turned into politi-

AN INDIANA ROMANCE

cal headquarters. My partners had searched in vain for anything in my life that distinguished me from the common run of men, so they had ventured into the field of fiction, had written and had printed an eight-page pamphlet reviewing the history of the Marshall family from the time of the flood down to the year 1907. If there was a distinguished soul in all the long line who had borne that name that had not contributed more or less blood to my veins, they never heard of him. I read the pamphlet and asked them what they were going to do with it. They told me I was now a full-fledged candidate for the Democratic nomination for governor, and that they were going to send it out to all the counties in the state. I told them very frankly that I could not let my wife read it and ever again look her in the face; while, like the ordinary married man, I had frequently done a good job of lying to her I could not see those lies in cold print, bound in a pamphlet, and let her have a copy to pull on me when I did not measure up to the standard of that most delightful fiction. I ascertained the price they had paid for this little Indiana romance, charged myself with it on the books (for I did not have enough money to pay the bill) and turned it over to the janitor to use in firing the furnace. One of my partners had been a congressman who went in with Cleveland in 1892 and went out in 1894. I shall never

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forget the look of disgust that spread over his countenance at my decision. He said that I had better withdraw at once; that nobody knew me and if I did not propose to give the people any information about myself I could never be nominated for governor; that the chances against me were one hundred to one, and that if I did not try to further my own cause, then it was absolutely hopeless.

So I told him the Charlie Munson story. Munson was a young man in the city of Fort Wayne, who was desirous of becoming a candidate for sheriff of Allen County, an office he subsequently attained, and afterward was elected auditor of state. It was in the good old days when the liquor interests still had to be recognized and conciliated, if possible. There was an Irish saloon keeper in Fort Wayne, by the name of Mike Somers. This man either had or was presumed to have in his vest pocket an entire ward. So one night at about closing time Munson went into Somers' saloon, stood around until the blinds were drawn, shuffled from one foot to another, and finally said to Mike: "Mike, I have thought some of being a candidate for sheriff. I thought I would better consult you about it before I reached any determination." After a few moments' pause, Somers replied: "Go in, Charlie. Sometimes the weakest man wins." Well, the weakest man did win in the race for sheriff in

NO FLOWERS, PLEASE

Allen County, and I suggested to my partners that maybe the weakest man might win in the Democratic State Convention. Beyond attending with the other candidates a number of dollar Bryan get-together banquets and joining them in declaring the glories of Democracy and the need of its return to power in the state of Indiana, I did nothing to obtain the nomination.

It may not be believed but it is the absolute truth—I was willing to accept the nomination if it came to me, but I was unwilling to “crook the pregnant hinges of the knee where thrift may follow fawning.” Even in these modern times and modern methods of politics I can not understand the candidate. He is to me a creature apart. I simply am amazed as I drive around the city before a primary election and observe an immense lithograph tacked on a telephone pole, calling upon the people to preserve their freedom by voting for Bill Jones for coroner. There evidently are a few others who think as I do, for I remember to have seen one of these immense lithographs headed, “The People’s Choice for Coroner,” and when the returns were in the “people’s choice” had received less than fifty votes; then that night some wag wrote on the bottom of the poster: “Friends will please not send flowers.” Ordinarily the enthusiasm of a man for nomination and elec-

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tion is in inverse ratio to the importance of the office he seeks. In that long drawn-out day following the election in which the vote of New York wobbled first to and then away from Cleveland we were all sitting around, bleary-eyed and nervous, in the Democratic Headquarters in my home town, when about seven o'clock in the evening the candidate for coroner came in, mopped his bald head and said: "Boys, what's the result?" The chairman replied that it was still in doubt. Mr. Candidate added: "Well, I didn't think they could beat me." Whereupon the chairman arose, uttered no word, seized the potential coroner by the scruff of his neck, opened the door and threw him down-stairs.

My old time friends in northern Indiana, who had more confidence in me than I deserved, came gallantly to my colors. When the delegates were elected to the State Convention it was discovered that the Twelfth Congressional District was unanimous for me, save one delegate in my own county who had not spoken to me in ten years. There was great excitement about this among those who knew or thought they knew politics, and they immediately insisted on going to see my supposed enemy, to induce him to stay at home and permit his alternate to occupy his place. They told me that bad as the chances were they would be infinitely worse if somebody from my own county were

A SQUARE GAME

against me. The difficulty with this man had arisen over a lawsuit between him and his brothers and sisters in the settlement of an estate and it had become necessary for me quite frankly to express my opinion. I refused to permit anybody to see him, told my friends that he had been selected as a delegate, that I believed in representative government, that he had a perfect right to vote his choice, and if he cared to vote against me they would hear no complaint. He went to the convention, came up to my modest little room in the Grand Hotel, stuck out his hand and said that he would like to shake hands with me and return to friendly relations, as he had made up his mind to vote for me and do everything he could to procure my nomination. Of course, we were friends again. He told me that if any attempt had been made to keep him away from the convention he would have spent a thousand dollars to get every enemy I had to come down to Indianapolis and try to defeat me. Because I had played what he thought was a square game he was for me. I am not yet convinced that this constant effort which politicians make to shove into the discard those who for the moment do not happen to be friendly to them, is the wise policy.

From 1896 to 1908 the Democratic party in Indiana had been torn into factions. It was a somewhat difficult thing to find a man who was a Democrat—just a

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plain, unadorned, undiluted, unterrified Democrat. You could find Jacksonian Democrats, Jefferson Democrats, Parker Democrats and Bryan Democrats; the party was a party of hyphenated Democrats. I had long since ceased to attend what were advertised as harmony banquets. The most difficult thing in the world is to produce harmony when nobody cares to harmonize. These harmony banquets were really incipient riots. It was only the proprieties of civilized life that prevented the participants from coming to blows, and those who attended usually went away far more set in their views and far more disgusted with those who did not agree with them, than when together they began to eat olives.

I remember, long afterward in Washington, a harmony luncheon that was arranged for the purpose of bringing together in peace and concord Champ Clark, the Speaker of the House of Representatives, and the new Secretary of State, William Jennings Bryan. It will be remembered that Mr. Clark had received a majority of the votes for president at Baltimore, and that his ultimate defeat for the nomination was attributable to the influence of Mr. Bryan. This luncheon was held, as I now remember it (although the place is not important) in the Willard Hotel. There were some twenty-five or thirty of us present. Our host was one of the most brilliant and genial editorial



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Notified in Indianapolis of his nomination for the Vice-Presidency; Judge
Parker making address

With Mrs. Marshall arriving in Washington to assume Vice-Presidency

REFRIGERATING HARMONY

writers in America. His methods were of the finest. There was an endeavor on the part of all hands to produce as much warmth of sentiment and good feeling as ordinarily can be extracted out of a bottle of grape juice. As the luncheon progressed and the conversation became general I observed that Mr. Clark would address himself to the host who in turn would translate to Mr. Bryan, and Mr. Bryan would respond to the host who in turn would translate to Mr. Clark. It came to the usual and ordinary end of a harmony banquet. Clark thought no more of Bryan and Bryan thought no more of Clark than before. At its conclusion our host did me the honor to ask me what I thought of it. As I knew him for an all around good sport, I suggested to him that the luncheon was a great success in every particular except the place where it was held. He asked me what I meant about the place, and I replied that I thought it would have been more appropriate had he given it in a refrigerating plant.

The State convention came on and through the inability of the leading candidates to obtain a majority of the votes of the convention, I was transformed from His Accidenty to His Excellency. But I was not mistaken about the attitude and temper of the men who made up the convention. I believed them still to be hyphenated Democrats. I had no desire to en-

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gage in mere mental or physical exercise and go down in a foot-note to Indiana history, to the effect that I also ran for governor. I do not know that even yet I have got rid of the sophomoric and at moments the theatric; but at that time I was fresh from my appearance before the juries of the state. I had reached the conclusion that so unpopular was the administration of my predecessor, Mr. Hanly, that I could be elected governor if I could have the undivided support of all those who called themselves Democrats; could get them to cut out the hyphen and for six months' time devote themselves, not to their particular views but to the election of a Democratic governor. My father was in the habit of taking desperate chances with his patients when he thought nothing else was left to do, and so, too, I had accumulated in the practise of the law the suicide habit; in other words, I was willing to take a chance to obtain results. I do not know the exact phrases I used when called to the platform as the nominee of the convention for governor, but I do remember the substance. It was to the effect that when a new emperor was crowned in Rome the legions marched in review before him. The head of each legion lifted his hand to Heaven and swore to be loyal to the emperor and to Rome, and then every common soldier, raising his right hand, cried out: "This for me!" I called attention to the fact that we

PLAIN DEMOCRATS

had these hyphenated Democrats in Indiana, but that like the Apostle Paul who had determined to know none among the Corinthians save Jesus Christ, I was determined to know none among them save just plain Democrats; that I appreciated the great honor of the nomination but that unless every man in the convention would rise to his feet, lift his hand to Heaven and pledge me from that time forward to be just a Democrat and nothing else, I should be compelled to decline the nomination. It was a rather theatric moment. The delegates arose to their feet and the nomination was an accomplished fact. I lay no claim to either greater wisdom or greater consecration to the cause of Democracy than any other Democrat in Indiana, but I am quite confident that that occasion obliterated the past and made of the Democracy of the state a militant body which measurably won the election in the November following. As I came out of the convention hall a big Irish policeman handed me a horseshoe which he had just picked up on the street and bade me take it as an omen of good luck. Being in the campaign, I was willing to make use of luck, fortune, fate, foreordination and the strong arm if necessary, in order to assure party success. I found Mrs. Marshall in the hotel, reading Elizabeth Miller Hack's *The Yoke*. I told her to drop it—that the children of Israel did not wear a yoke any more

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grievous than she would be compelled to wear in trotting side by side with me over the hills and vales of Indiana in a desperate endeavor to carry the Democratic cause to success.

I had then as I have now an abiding faith in the good sense and judgment of the voter when he comes into possession of the facts. I thought then as I think now that he is somewhat disgusted with the politician who attempts to do the anaconda act—to cover him with saliva before he swallows him. I thought then as I think now that the people are not as much enamored of appeal to classes and trades and callings and professions, as the ordinary politician imagines them to be. This constant iteration and reiteration of the dignity of labor, the glories of agriculture, the beauties of horny handed toil, has always appeared to me about as much of an insult to the man to whom it is addressed as it is a mark of honor. A democracy has no place for classes. Betsy Ross did not make her flag to float over doctors and lawyers and ministers; over butchers and bakers and candle-stick makers. She made it to float over one person only—the American citizen; the man who looks up to nobody, looks down on nobody, but who looks straight into the eyes of everybody. I have always believed that the American people have a suspicion of the man who gets down on his knees to them, begs them to elect him to

THIS NEW ADVENTURE

office, and assures them that the fate of the world is dependent on his success. I feel that the average candidate for office insults as many good Americans as he attracts to the banner of the party, by such appeals as these. There is none now so ignorant as to believe that a party nomination suddenly transforms a man into something superhuman. No party nomination can ever convince the American people that destiny hangs on the success or failure of an individual man. Things may be better or worse by his election, but nobody yet has ever been big enough to swing the stars out of their courses or to unbuckle Orion's belt. Always a Democrat, I was intensely interested in party success, but personal success, neither then nor at any time thereafter, moved me to any pitch of either anxiety or enthusiasm. I felt that party principles were right and would be for the good of the people, but I was an untried man and did not know whether I would be a success or failure. I had worked at the law and had managed to make at least a fifty-fifty record. I had a satisfactory business, a pleasant home and an easy time. This adventure for me upon new and uncharted seas was an experiment. As a Presbyterian I was willing to leave it in the hands of God; as a Democrat, on the knees of the gods; as a politician, to the good wishes of the people,

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And so Mrs. Marshall and I started on our weary way over Indiana. Now and then I forget what should be the prayer of every public man on arising in the morning: "Oh, God, keep me humble this day." Once in a while I thoughtlessly begin to brag, and so on one occasion in her presence I bragged that I had made the most strenuous campaign that was ever made in the state of Indiana; that I had made one hundred sixty-nine speeches in that campaign. Mrs. Marshall has been my best friend because she has been my severest critic. She at once stopped me, and said: "Oh, Tom, don't tell that story! I was with you all the while. What you mean to say is that you made one speech one hundred sixty-nine times, in the state of Indiana. And if you dare to deny it I'll deliver it now, and you tell them anything else you said!"

Well, she really told the truth, because it was substantially the same speech at every place, and I was such a tyro in personal politics that I assumed the way to run for office was to get out and tell the people about it; to say just what you thought, and to be as utterly frank and honest as you possibly could be. And so I started in with the announcement that I was the Democratic candidate for governor of Indiana—candidate of no faction and candidate of no interest; that I had no strings to me; no promises out; owed nobody anything except good will; that I had

THE PREACHERS BEAT A DRUM

a perfectly good practise at home; did not care whether I was elected or not; but if they were in accord with Democratic principles I was soliciting their votes for the party and not for myself. I said this only about a half-dozen times when I was called to headquarters and asked whether I was saying these things. On my frank admission that I was, I was told that that was no way to campaign. What I ought to do was to beg them to vote for me. Well, as there was no way they could remove me from the ticket I took my own head and repeated the statement everywhere.

During the campaign I discovered that a certain religious organization was being solicited to have all its preachers fight me. Now, as the clergy had always been quite free in advising public men what they should do, and in advocating public measures, I took it upon myself to notify these clerical gentlemen that they were called to preach the gospel and not to beat a bass drum in a Republican procession. Everybody thought the fat was in the fire, but it was not. There was as much jealousy among the denominations as there was between parties, and I think the preachers who tried to defeat me were really potent factors in my election. Some preachers have queer notions of public morals. After my election and inauguration one of them who had vilified and abused me during

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the campaign, said to me now that I was elected he hoped I would not try to enforce the Democratic platform. I asked him why it should not be enforced. He said: "We know you are all right, and we know that you argued for it while you were a candidate, but now that you are elected there is no necessity for enforcing it." I told him that so far as I was concerned, I would be willing to appear in his company before the Judge of the Universe, and we would have a divine judgment on whether the politician who told the truth or the preacher who advised him to tell a lie, was the more honorable man.

There is a familiar story touching the occupant of a state office about whom much complaint was made that he was neglecting the discharge of his duties. The governor of the state called him in, informed him of the complaint and asked him if there was any truth in it. The official said it was the exact truth, whereupon the governor inquired when he intended to begin the discharge of his duties. To this the prompt answer was that he had worked hard enough to get the office to relieve him of any labor or responsibility after he got it. There was a time when I had a sympathetic feeling for this fellow. The last Saturday of the campaign Mrs. Marshall and I got up at five o'clock, in the city of South Bend, managed to secure a cup of coffee and a sandwich, and took the train for

A REMARKABLE WALK

Goshen, where I talked for an hour. At twelve o'clock I was talking again in Middlebury; at two o'clock, in Shipshewana; at four o'clock, in LaGrange; at six o'clock, in Kendallville; at eight o'clock, in the Princess Rink, in Fort Wayne, and as the midnight bells announced the ushering in of Sunday I quit talking, on the steps of the court-house, in the city of Fort Wayne. We took the train at four o'clock for home. I went to bed and knew nothing until Monday morning. Those who think the politician gives nothing in return for what the people conceive to be great honor, are mistaken.

On Monday morning I went to my office, which I had not seen in six weeks. There I found a vast number of letters from loyal Democrats all over the state containing checks ranging from five to twenty-five dollars, and aggregating more than seven thousand. These were sent to me by good Democrats to assist me in the expenses of the campaign. It is needless to say that they were all returned uncashed. I had the rather remarkable record of walking into the governor's office of the state of Indiana at a total expense of three thousand seven hundred and fifty dollars. People may wonder how I know the exact amount. It is easily told. I had no money when I started; I borrowed it all at my bank, and I didn't succeed in repaying all of it until after I had escaped

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from the Senate Chamber for a little while and had filled in an interval on the chautauqua platform, between the disappearance of the snake charmer and the appearance of the sword swallower.

As the returns came in on the night of the election I reached the conclusion, at about eleven o'clock, that I had been defeated and so I went up-stairs, to bed and to sleep. Mrs. Marshall, however, refused to be convinced by the reports that we had and insisted she was going to stay up until she knew I was elected. In some way unknown to me she managed to get into communication with the Honorable Thomas Taggart about six o'clock on Wednesday morning, who told her there was no doubt about my election; that it had been admitted at ten o'clock the night before, in the city of Indianapolis. She came up, wakened me out of sound sleep and notified me that we had won.

I shall not do justice in this rambling account if I do not express my opinion of Senator Taggart. So far as I have any knowledge there has never been the slightest personal difference between us. In matters political we have been as far apart as the poles. In making this statement it is not to be implied that I deemed myself right and him wrong. It is only the difference in viewpoint. He has believed in the power, efficiency and necessity of organization. I was never able to divorce myself from the idea that the appeal

AN HONORABLE CAREER

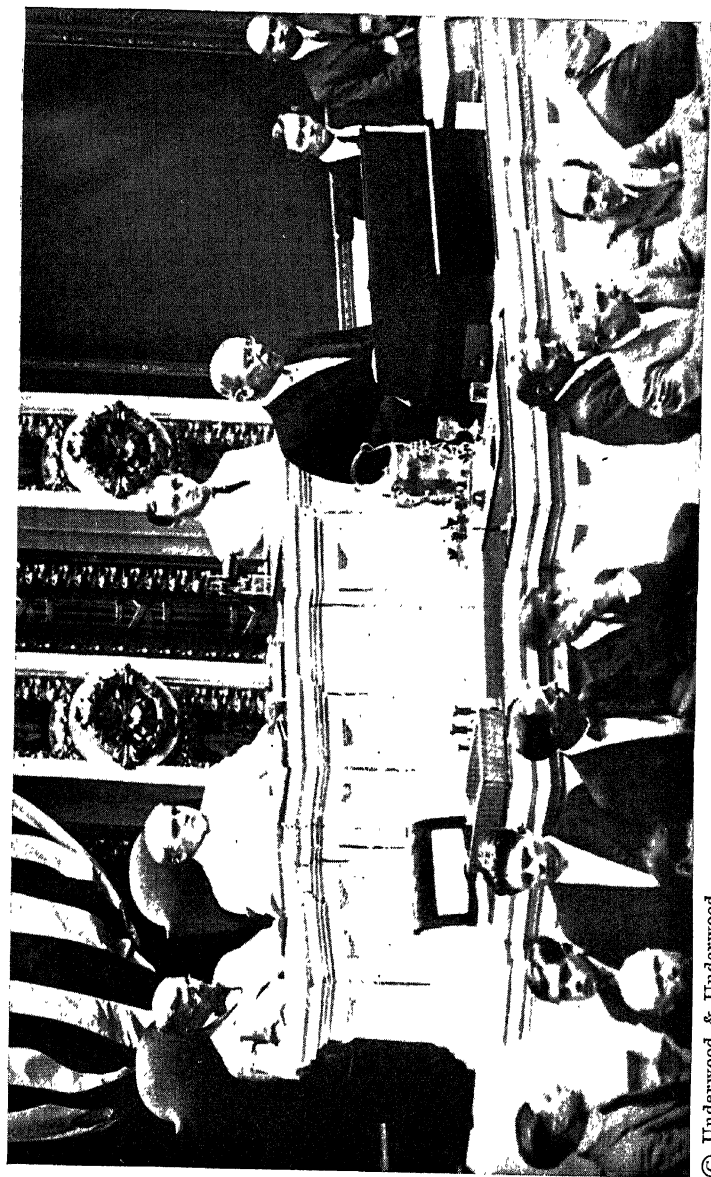
for principles should be made to the individual. I was foolish enough to think that an honest presentation of a cause to the people is enough. Perhaps he was right; perhaps I am wrong. He deserves this tribute: That he never wavered in the defense of the Democratic party regardless of whether his personal choice was the candidate or not. Few men have been more misinterpreted than he. Power of reputation, or misrepresentation, has undeservedly stricken him down at many times.

I had the great pleasure subsequently of administering the prescribed oath to Mr. Taggart when he became a senator from the state of Indiana, in the United States Senate. His career was brief but distinctly honorable and praiseworthy. The prejudice against him and the falsehoods told about him, together with a political revulsion, retired him at the next election. But as the war went on, after we had got into it, there scarcely was a day when I not only thought of him but sincerely wished that he was still a member of that body. His infinite capacity for detail, his conscientious discharge of public duty, his knowledge of big business, his ability to understand the terms of a contract—all were needed during that trying time. I have no apologies to make for the many millions that were wasted in the winning of the war. No man stops to count cost when the life of his

RECOLLECTIONS

wife or his child is trembling in the balance, and nobody stops—either Democrat or Republican—when the nation's life is in danger to count the cost of its preservation, but I can not forbear to express the opinion that if Mr. Taggart had been in the Senate of the United States and had brought his business acumen into full play there were many expenditures that would not have been made and many contracts that would have been made at far less expense to the government.

Coming from northeastern Indiana it was quite natural that my intimate and trusted friends should be Senator Stephen B. Fleming and the Honorable Edward G. Hoffman. Fleming, of course, labored under the handicap of being largely interested in breweries. But candor compels me to say that his word was always good, a thing which I am unable to say about the Anti-Saloon League in Indiana. Hoffman yet is a comparatively young man. It seems to be impossible to get him into political life for himself. By nature, by education, by all the things that mark the honest man, the upright citizen and the competent official, he should long before this have been in the public service of his country. But, like hundreds and thousands of other good men, he is quite unwilling to submit his qualifications to a grueling test in a state-wide primary; to pay the enormous expenses involved



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President Wilson delivering his first address to Congress
Seated in background are Vice-President Marshall

A BOND-SERVANT

in such a system, or permit others to pay them for him and feel himself a bond-servant to his guarantors. I have hopes that in time we shall return to a representative system of government, and when we do I think the people will be well, brilliantly and honorably served in any high public place by Mr. Hoffman.

CHAPTER XIII

So INTENSE was the bitterness of the campaign of 1908, and so sure was my predecessor in office, Governor Hanly, that my election would blight the crops, blot out the churches and destroy the civic sense of justice in the state, that he tendered me no courtesy whatever with reference to my inauguration. Fortunately for me, the Honorable Fred A. Sims, who afterward became and who now is, I think, regardless of politics, one of my very best friends, came to the rescue and succeeded in inducing Governor Hanly to call up my house, ride with me to the Capitol and preside over the ceremonies. There was a time when I imagined that to be a Democrat was to be an honest man, and to be a Republican was to be a crook. But after I had had my experience with Mr. Sims, and he had saved me from burning my fingers over a Republican appointment which I was by law compelled to make, I became then a quite conscientious follower of the doctrine of Grover Cleveland—that guilt is personal. Party policies may be wrong, but crookedness is always the crookedness of the individual. Mr. Sims and I totally disagreed on party principles, but

ERIN GO BRAGH

we had four years of unalloyed respect for each other's personal desire to do the right thing, and those relations have sweetened my life whatever they may have done to his. On every public occasion, whether it be an inauguration or a funeral, you can safely rely upon it that something will be said or done that is amusing. After the oath of office had been administered, and Governor Hanly had presented me as the governor, some big Irishman in the gallery interrupted the proceedings by yelling in a stentorian voice, "Thank God!" It relieved the tension, and from that time forward things were smoother for me than they had been before.

It will be remembered that President Taft carried the state at this election, and that only the lieutenant-governor, the superintendent of public instruction, Dr. Robert Aley, now president of Butler College, and myself were, upon the face of the returns, elected. The rest of the state Democratic ticket as shown by the returns was defeated by majorities ranging from sixty-nine to eleven hundred. This was so close a margin in a vote of seven hundred thousand that these defeated candidates began proceedings to contest the election. After my inauguration it was ascertained that this contest would be tried by an equal number of representatives and senators from the General Assembly, and as the House was Democratic and the

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Senate was Republican it was quite apparent that in a political contest of this kind no result would ever be obtained prior to the next general election. The contest proceedings were, therefore, dismissed. But before dismissal evidence was taken by the contestants in Lake County. It appeared to be quite conclusively established that more than twenty-seven hundred foreigners, who had landed at Ellis Island in March and April of 1908, voted in the general election in November that year. But proof of this fact was not sufficient to establish that the Democrats had been elected. It was necessary to show not only that these votes were illegally cast but that they were cast for the Republican candidates. There was no way to prove this fact by direct testimony, and so an effort was made to show it circumstantially. It appeared that after they had voted in blocs they were taken into the restaurants of Gary to be refreshed from the arduous work they had performed in the interests of good government. The waitresses testified that they passed from man to man and asked each what he would have to eat. They testified that the sole answer they received was "Taft," except one little skinny fellow who said "Marshall."

In the campaign two years afterward in an endeavor to make Indiana completely Democratic, which effort was successful, I told this story, pointing out

TAFT BIG CHIEF

the fact that in all that ignorant, hungry horde there was only one man who preferred lean meat to fat. I explained what I believed to be the reason for the answer. The night I spoke in Gary the mills discovered that they had to work a night shift in order to fill their orders; but the Saturday night before the election the workmen, by platoons, brigades and divisions, were marched, by their foremen, out on to the highways stretching between Hammond and Gary, and Mr. Taft, in an open car, passed through the lines, with that ineffable and wholly charming smile which always wreathes his face. I said that the bosses pointed him out as: "Taft, Big Chief. Elected Tuesday, plenty of work; not elected, no work." I told this story, relying upon its unqualified authenticity, until in 1920 I found myself again addressing a few people in the city of Gary. At the conclusion of my talk a clean faced, clear eyed, well dressed, courteous gentleman approached me and said: "Governor, you have been telling a story about Gary that is not true." I replied that if that were so I was sorry—would never tell it again, and would endeavor to correct any false impressions that had arisen from the telling of it, and asked him what it was. He said it was the story of the twenty-seven hundred who had landed at Ellis Island in March and April, 1908, and voted in the November election, at Gary. I asked him what was

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wrong about the story. "Well," he said, "you were wrong about the conclusion of it. I am now a fully naturalized citizen of America, and hope I am a good American. I was one of that twenty-seven hundred to whom you referred. But you are mistaken in assuming that when we voted we knew that we were voting for the president of the United States. We did not have knowledge or sense enough to know even that. We thought Mr. Taft was running for president of the steel works in Gary, and that in some mysterious way the working man had a right to vote on the election of the president."

It is not for me to pass judgment on what sort of government the people of Indiana had during the four years that I acted as chief executive. It is, however, mine to say what was the principle on which it was conducted. I have always been a believer in the three coordinate departments of government—the legislative, judicial and executive. I believe that each is supreme within its own realm. I was and am satisfied that the attempted usurpation by one department of the clearly defined constitutional rights of another could result in but one thing—turmoil and bad government. I did not believe then, nor do I now believe, that an executive has any right to use his power, his prestige and his right of appointment to overawe or coerce the legislative department of government. I

HAD I SEEN EVE

believed then, as I now believe, that it was the duty of the executive as much as the duty of the humblest citizen to obey the judgments of the court although he might believe them to be erroneous and usurpations of power, trusting to argument and education to rectify the wrong. I was not then any more than now, impressed with the rights of bodies of men, large or small, to remedial legislation, unless it was legislation not for their business or trade or calling, but in furtherance of their rights as American citizens. No member of the Indiana Legislature will dare say that I ever offered him an office, threatened him with punishment, or even pleaded with him to vote for any measure pending before that body as against his own better judgment. The record of the legislation of those four years must speak for itself. But I venture to assert that it was "unawed by influence and unbought by gain."

Of course, it is an utterly foolish thing for one man to say what he would have done if he had been in another man's place, at another time. The utmost one dare go is to say that he *thinks* he would or would not have acted as the other man acted; but he can not know. I have always thought that if I had been Adam in the Garden of Eden I would not have eaten the apple—but I do not know. I never saw Eve, and for aught I know, had I been there, instead of merely

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taking a bite I might have endeavored to consume the entire crop. So, what I say about certain occurrences must be taken with the reservation that I only think—I do not know.

I have felt that if an executive would take firm hold of a strike as soon as it occurs; would get the facts on both sides of the case and would lay down the law and his intention fearlessly to administer it, that an adjustment of these matters could well be arranged without the intervention of the militia. I may be mistaken, but I do not think that the average working man has any more desire to pillage and murder than he has to be pillaged and murdered. May I illustrate by an incident during my administration?

In the stone quarries of Indiana there developed a strike. The operators lived in Chicago. They rushed down with their attorneys to see me, demanding that I order out the militia. Trembling and quivering, they said the strikers were keeping out their workmen, and that unless I ordered the militia their workmen would be murdered by the strikers. Now, I happened to have some little general knowledge, and I knew that quarrymen were skilled laborers; that they had to pass through an apprenticeship, and that in this part of Indiana the profession—for I dignify it with that title—had passed down from father to son. I believed there were no quarrymen

LOAD UP YOUR THUGS

west of the New England States who could take the place of these striking men. So I asked the operators where they got their new workmen. They told me in Chicago. From the look on their faces I was satisfied there was something wrong, and I said: "Now be frank with me! You might as well be, for I will get the truth. Aren't these men you have taken down to the quarries strike-breakers whom you have hired from a detective agency in Chicago, not one of whom was ever in a stone quarry before, and not one of whom can do the least bit of work in those quarries?" Reluctantly they admitted this to be the truth. Whereupon they received my ultimatum—that I was sworn to defend the Constitution of the State of Indiana and enforce its laws. It was my duty to preserve the property and the life, if possible, of the citizens of the state from injury; that I never was sworn in as governor for the thugs of Chicago, and I would order no militia out to preserve the life of the thugs, and if they got killed in Indiana they were paid for as far as I was concerned; that they were not dealing fairly with the people of Indiana nor the law, in unloading a train of rough-necks into an otherwise peaceful community with the purpose of stirring up trouble, intimidating these workmen and, under compulsion, driving them back to work. I said to these operators: "You load up your thugs on the first train and get them

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right back to Chicago before they get killed in Indiana. If you get real quarrymen from some other place who know how to do the work I will see that they go into the quarries, if it takes every soldier in Indiana to put them there, but they must be quarrymen—not thugs and murderers.” I also said to them: “Let’s find out what is wrong about this matter when you have got these thugs out and see if it can not be adjusted.” They had sense enough to take my advice, sent their strike-breakers home, and an investigation disclosed that there was no disagreement whatever about wages or working conditions; everybody was satisfied; but these men were new operators, opposed to union labor and so had ordered the men to withdraw from the Quarrymen’s Union and join a union which these operators had organized, and of which they were officers. It did not take more than twenty minutes to show them the utter folly of such a procedure—that they were following along the lines of autocratic Russia and not democratic America. They gave up the attempt to dissolve the union, the men went back, and so far as I know there has been no further trouble.

Through the good offices of Brigadier-General McKee, the strike of railroad men in South Bend was ended and all necessity for calling out the militia was avoided. It was a nasty situation. Tracks had been

BEFORE THE FIRST SHOT

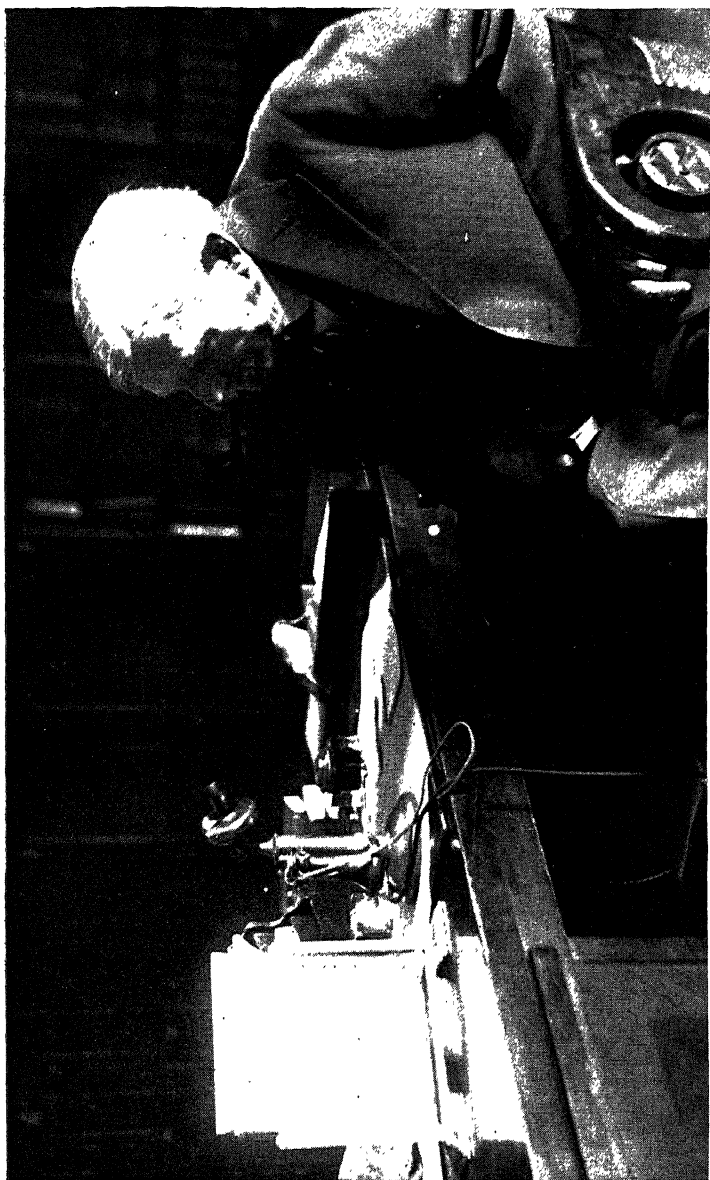
laid down through the principal streets of the city in the dark hours of the night when an injunction was pending to prevent the building of the road. The citizens of South Bend would have been glad to see the strikers tear up all the rails and remove them outside the city limits. The strikers were of Polish birth or extraction, and many of them unable to speak the English language. General McKee saw the parish priest, got them into the church, delivered them a lecture on law and order, and the strike was over. While I do not know, I do think that there is always a way, before the first shot is fired, to adjust these labor difficulties.

And yet I did have the troops out on one occasion, this not arising over any controversy between labor and capital, however. I assume that there is hardly a more crooked game on earth than that of the small book-makers in the large cities, taking bets on running races from bootblacks, elevator boys, clerks, stenographers—anybody who has the gambling instinct and the hope of making something for nothing. The races are never run for sport, but always to make money. Driven out of Illinois, they started one of these race tracks up in Porter County, and the book-makers of Chicago were reaping a rich harvest. The officials of Porter County were totally indifferent. It was in October, 1912, and I happened to be Democratic candi-

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date for vice-president of the United States. I was starting on my tour through the Pacific States. These gamblers assumed they could run these races, get away with them and the money, and that I would give as an excuse that I was absent from home. They also assumed that as a candidate I would be afraid to antagonize the sporting fraternity of the country. Therein they made a mistake. I ordered a company of the militia from South Bend to proceed to this race track, keep a platoon of soldiers, day and night, with fixed bayonets, across the track, and let them run into the bayonets if they wished. They liked money but they did not like cold steel, and the gambling ended for that time. I never looked into the matter to see how many votes I lost by virtue of that order. I only know that I subsequently was sued in damages for more dollars than I possessed cents, but the case was dismissed after the plaintiff's attorneys had read the law. They had brought their suit first. An executive is not personally liable in damages for the use of his militia in enforcing what he believes to be the law.

About the only real worry I had during these years arose over conditions at the new manufacturing city of Gary. I was not at all patient. I was more than restive under the lack of enforcement of law and order. I knew, of course, that the law was but the



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Vice-President Marshall at his desk

IF GARY SLIPPED OFF,

organized opinion of the community. I ought to have been more patient with the hundred tribes and tongues which went to the making up of the city, and to have realized that it would take time to blend it into the body of what I believed to be one of the most law-abiding states in the Union. After some outbreaks there, the nature of which has now passed my remembrance, I was foolish enough to say that there was some kind of money which could come into a state that was detrimental to the state, and that so far as I was concerned it would afford me very great relief if some night Gary would slip off into Lake Michigan. The good citizens of that city felt the criticism rather keenly and proceeded to invite me to a public dinner. I went. We had a good time and we had some heart-to-heart talks; for instance, I found that the steel corporation would confiscate an entire train-load of coal consigned to private persons. I think until the officials had a talk with me they really believed they had a right to do it. Indeed, that is the great difficulty with corporate existence in America. It seems to be unable to dissociate itself from the idea that it possesses sovereign power. This corporation assumed that as the state of Indiana, for state purposes, could confiscate and pay for a train-load of coal, so the steel works could do likewise. I do not believe there was any intention of wrong-doing, but a mis-

RECOLLECTIONS

understanding of corporate rights and powers. It followed, therefore, that when a ten-year-old boy was arrested for picking up coal along the tracks of Gary, in order to keep his widowed mother from freezing, was convicted and sentenced to the Indiana Boys School, I pardoned him before he started for the school, laying down a principle which I think is justified in morals and in law; namely, that no boy should be whipped by justice for doing the identical thing that a great corporation did and that went unwhipped by justice.

But this source of irritation passed, and in retrospect I see that it was but an evolution—the sort of evolution that should make every man hopeful in America under the most outwardly appearing adverse circumstances; an evolution which in the ultimate result in that city has proved that the scriptures are as true in public life as they are in private conduct—that iniquities may be remembered to the third and fourth generation, but mercy extendeth to the thousandth generation. That out of seeming evils good is oftentimes wrought, and that in common with many others I was far too impatient for speedy returns of law and order, out of this cosmopolitan and un-American population.

Some things occurred during those four years on which I look back with intense satisfaction. They

JAKE'S RECORD

have nothing to do with either pretended greatness or glory. They are incidents of human interest. They enable me to count life in the only way in which it should be counted—by heart-throbs and not by figures on a dial. I withhold names, for they are not needful in the telling of the story.

In a little town in Indiana, where I was spending Sunday, during my campaign for governor, the landlord of the hotel told me that his cook would like to see me. I said that we were going to church, and that I would see her after dinner. So in the afternoon a modest little woman, holding with each hand a small child, came in and said she wanted to ask a favor of me. She said she wanted me, when I was elected, to look up Jake's record and see whether he was entitled to any mercy at my hands. I learned that he had been a constable; was of Democratic faith; that in a drunken brawl he attempted to serve a subpoena, which he did not distinguish from a warrant, shot and killed a man who was a prominent Republican, between whom and himself there was no friendly feeling. In the excitement of the hour he was convicted of murder in the first degree and sentenced for life to the penitentiary. I said to her that I was only a candidate; that the chances were against me. She replied that she was sure I was going to be elected, and would I just look into Jake's case and see

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whether he was entitled to any mercy? I promised her if elected I would investigate his conviction and his record. The little woman's eyes, with the pathetic appeal of childhood, stayed with me, and I no sooner found myself elected than I made a journey to Michigan City. I asked Warden Reid what about this man. He said: "He is my chief baker; the best man I have in the penitentiary, and I would hate to lose him. But I have tested him through and through. He is at heart no more a murderer than you or I. Whisky and lack of knowledge of the law is what got him into this trouble. He ought to be out, much as I should hate personally to see him go."

I thought I would let it drift along until fall. And then I received a letter from the little woman with nothing in it save the statement that she hoped I had not forgotten my promise. Just before Christmas I issued a thirty-day parole for this man to go home and see his family, on the condition that he not enter a saloon or drink a drop of intoxicating liquor. I may, by way of parenthesis, say that this condition was included in every parole I ever put my hand to. I was not for the prohibition amendment but I can cheerfully certify that the saloon ruined more men than all other evil influences in society. I told the warden to have Jake stop to see me on his way home. He did, and I asked him if he had any money to get

AN UPRIGHT CITIZEN

a little Christmas present for his wife and children. He said the warden had given him some. I cautioned him about the saloon and the trouble he was in; said to him I had made arrangements to get reports as to his conduct; that if he behaved himself for thirty days I would extend his parole to sixty days; that I would let him stay out as long as he behaved himself. Shortly after Christmas I found a good soul in his county who had a farm some twenty miles away from town, where all temptations to drink were removed. I discovered that his wife had fallen heir to a few hundred dollars which would enable them to buy horses and agricultural machinery, and this good man promised, if I would extend the parole, he would rent the farm to Jake and would keep a watchful eye over him to see that he grew strong enough to avoid the further use of intoxicating liquor. I extended the parole from time to time, and shortly before the expiration of my office I found a little boy had come to them whom they had named Thomas Marshall, and I pardoned Jake. He is to-day a good, clean, upright, moral citizen of this state.

When I was elected to the vice-presidency the Indiana Democratic Club did me the honor to tender to me a public reception. While this was going on and my friends and acquaintances were passing by congratulating me, I noticed two fine, upstanding young

RECOLLECTIONS

men off in a corner, seemingly engaged in animated conversation. At last the public reception was over and I was left alone for the moment, when these two young men came up, shook hands with me, and one of them said: "Governor, you don't know either one of us. But you first paroled us and then pardoned us out of the Indiana Reformatory. Each of us now has a good job. One of us is a member of the church and the other soon will be. You have had great political honors thrust upon you, and in this we rejoice; but the greatest thing you ever did was to give us another chance, and we both shall feel that if we ever do a base, ignoble, unlawful thing in the future we shall have betrayed the best friend that two young men ever had."

It was undeserved, because what I did came only through what I conceived to be the discharge of a public duty; the conscientious administration of the law for the reformation of unfortunate criminals. Alas, most of the good things which come to us in life are undeserved. But fly me riches, fly me honor, not the hand-clasp of a king nor the huzzahs of multitudes which now and then in intense political moments I have had, have ever touched my heart or left me so at peace as did the hand-clasp of these two young men starting out once again on the highway of life.

Critics made a good deal of sport of me, as they

THESE ONLY SONS

called me the "Pardoning Governor." They even cartooned me, having a man jostling me in a crowd, saying: "Pardon me, Governor," and my response being: "Certainly! What crime have you committed?" But out of the large number that I first paroled into the hands of some good man to watch, and when they were safely on their feet again, pardoned, I had less than thirty paroles to revoke, and one of these I revoked with very great reluctance.

A father and mother came to me time after time, begging me to let them have their son back from the reformatory. I found they were good, kind, indulgent, with an only son. And the "only son" reminds me of the fact that I was one myself. To digress a moment: I had a client who called on me to procure a divorce for his daughter, and I asked him what the trouble was. He replied: "Tommy, I do not want to hurt your feelings, because they tell me you are a pretty decent sort of fellow, but I have had three daughters; two of them are divorced, and I want you to get a divorce for the third, and the whole trouble has been that every one of my sons-in-law has been an only son. I say again, I don't want to hurt your feelings, but 'only sons' are most generally hell!"

Well, this father and mother had evidently pampered and ruined this boy. I told them that he would

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learn a trade in the reformatory and would come out far better than if I gave him to them. I said he had never done any good in the city and never would. They thereupon told me they had forty acres of land out in the country and they would move on the farm and take the boy out there if I would just let them have him. So I finally paroled him on condition that they keep him on the farm. Some two or three months afterward the chief of police called me up, saying they had rearrested this boy and wanted to know whether I desired them to re-try him or whether I would revoke his parole and send him back to the reformatory. I, of course, revoked the parole and sent him back, but I did it regretfully, because the new crime he had committed consisted in this course of conduct: He bought himself a blue suit of clothes and a blue cap, and put on the cap "B. H.," the initials of the Board of Health. He then went down into the Hunyak district, in Indianapolis, went from house to house, fined the occupant one dollar for unsanitary conditions, collected the money, and stayed there until they had scrubbed and disinfected. The health officer told me the boy had accomplished more there, in the way of health, in a week or so than they had been able to accomplish in years. I hated to send a public benefactor like that back to the reformatory, but I did.

I was fortunate enough never to run against the

THE PROSECUTOR'S DUTY

proposition whether I would let a man hang for murder committed in the state. During my four years there was only one sentenced to be hanged and he was a colored man, in Lake County. They were so anxious to hang him that they set the date before he could even get his case into the Supreme Court. I granted him stay of proceedings until the record could be filed and the court pass upon it. I read the record, became convinced that he was no more guilty of murder than I, and that he had killed in pure self-defense. I called the attorney general in, asked him to read the record and tell me what he thought. He said, after reading the record, that he agreed with me—that it was a case of self-defense. I said to him then that my opinion was that the prosecutor's duty was as much to vindicate the innocent as it was to convict the guilty, and that if he agreed with me on this view of the law, the prosecutor ought to confess error and have the case sent back for retrial. He agreed. It was sent back, the poor negro given a lawyer the next time instead of a fool, and was acquitted. He had the reverse of the experiences of a man in Huntington County, who was convicted of manslaughter and sentenced for two years. His counsel appealed to the Supreme Court, reversed the case, and upon a subsequent trial he was sent to the penitentiary for life.

This question of inflicting the death penalty is a

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serious one. Personally, I am opposed to capital punishment. I do not believe it rests in human hands to say when a life shall cease; and if there were some way devised to prevent—what I, perhaps, was guilty of—the extension of executive clemency to men who are sent up for life, if there were some way to keep them *in* for life, then I believe the public would be satisfied with the abolition of capital punishment. It is a long about way to do it, but I think the Constitution of Indiana should be amended and there should be taken from the governor all right of pardon and parole in cases of life imprisonment, and such prisoners should procure their freedom only through newly discovered evidence presented to the court that tried them, in mitigation or complete defense of the crime. I do not severely criticize pardoning governors, because I, myself, was one. Yet, in 1907 I was appointed to prosecute a man for one of the foulest cases of wife murder that I ever knew. I accepted it with the understanding that I did not believe in capital punishment. I tried the cause. When the jury went out the first ballot was eleven for hanging and one for life imprisonment. The one for life imprisonment happened to be a staid old Hollander, who called to the attention of the other eleven the fact that I was opposed to capital punishment. The second ballot was twelve for life imprisonment, and in six minutes

KEEP THEM IN

after the jury left the box the verdict had been returned. It is not seventeen years since I tried that case and yet this man is walking the streets to-day a free man by the action of some subsequent governor of Indiana, who pardoned or paroled over my protest. There will either have to be some way provided to keep these fellows in for life when they are once sent there, or those of us who are opposed to hanging will have to give our unwilling consent to the execution of these wilful and deliberate murderers. I am a pretty old man, but I may live to see those Chicago boys, Loeb and Leopold, pardoned out of Joliet. The judge who tried them evidently knows but little of human life. He let them off with life imprisonment on account of their youth, when, if he knew anything, he knew that they have far more knowledge of life in all its varied relations, than thirty years ago, the man of thirty-five had.

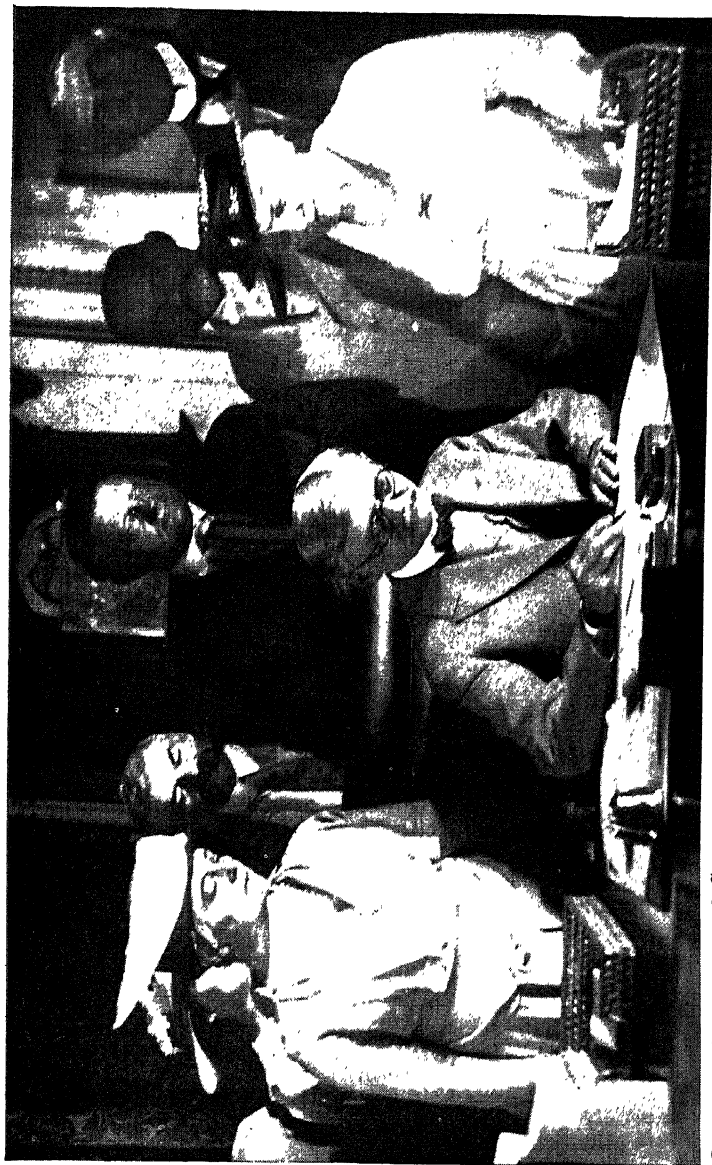
I have always felt that there was one good bit of constructive legislation enacted during my term as governor. It was the installation of the public accounting system, whereby the books, papers and documents of every official in the state are examined by certified public accountants—one from each party—every year and the official is then checked out, or if he is off in his accounts, is compelled to adjust them.

RECOLLECTIONS

Shortly after this system was inaugurated two of the accountants came into my office with what I think is an amusing incident and a remarkable statement of the inherent honesty of some men. They told me they were examining the records of a certain township trustee, in the southern part of the state. This man was of German extraction. They found that he had charged himself in the Road Fund of his township with, "Graft—\$20.00." This excited their curiosity, and they asked him to explain. He did, to this effect:

He said he had to buy a road scraper, and there were three or four agents seeking to sell him one. He liked the appearance of one young man better than the others, and as the prices were substantially the same, he bought the road scraper of this particular agent. When he had concluded the contract he walked down to the train with him and as the young man got aboard he shook hands and said good-by. When this ceremony had taken place he found in his hands a twenty-dollar bill. He said to the agent: "Here! you have left twenty dollars of your money with me." The agent replied: "No! That is yours!" The trustee asked: "Why, how is that mine?" The agent said: "Why, you blamed old fool, that's graft!"

"And," continued the trustee to the accountants, "as I knew it did not belong to me, I just put it in the Road Fund and entered it on the books as graft."



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Vice-President Marshall signing the suffrage bill

CHAPTER XIV

Nobody knows what great events may spring from seemingly trivial causes. The disputed election in the state of Kentucky which resulted in the murder of Governor Goebel, the indictment therefor of his opponent, W. S. Taylor, and the flight of Taylor into the state of Indiana, had not yet been buried in the oblivion of the past, at the time of the campaign of 1908. The then governor of the state and the preceding governor, in the exercise of executive discretion, had each examined the evidence in the case when a requisition from the state of Kentucky had been presented to them requesting the arrest and return of Taylor for trial in that state.

Long afterward I heard an amusing account of an attempt to kidnap Taylor and return him to Kentucky. In some way word drifted into that state that W. S. Taylor was spending the night at a little hotel in one of the border towns. Some incensed Democrats organized an expedition, came across the Ohio in the middle of the night, held up the landlord of the hotel at the point of a gun, and compelled him to take them to the room where Taylor was supposed to be. When

RECOLLECTIONS

they broke in the door they found a great big, fat traveling salesman for a boot and shoe house in place of the somewhat emaciated fugitive hunted governor of Kentucky.

This Taylor question was still a live issue in 1908, especially so in southern Indiana. In the course of the campaign I took occasion not to criticize the conduct of these two governors, but to express my opinion as to what the law was, or at least, what the law ought to be. Although the Supreme Court of the United States had decided that it is discretionary with the state whether a fugitive from justice shall be surrendered or not, it had further decided that persons who were charged with being fugitives from justice have no constitutional right to demand a hearing, and a governor of a state who is requested to issue a warrant of extradition must act upon such evidence as is satisfactory to him. Nevertheless I felt that under the terms of the Federal Constitution, which reads as follows: "A person charged in any state with treason, felony or other crime, who shall flee from justice and be found in another state shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime," I felt I say, that the governor of the state had no authority to hear evidence upon the question as to whether or not the crime had

MINDING ITS BUSINESS

actually been committed. I felt that the determination of the guilt or innocence of the party charged with crime was a question for the court and state in which he was indicted. I believed that it was the constitutional duty of an executive, when there was presented to him a requisition from the governor of a sister state charging a person with having been indicted for the commission of a crime, to issue his warrant for the arrest of the alleged criminal regardless of any of the facts in the case.

I was then, as now, a stickler for each department of government minding its own business, attending to its own duties, and throwing upon the coordinate branches the responsibility for the discharge of their duties. I knew, of course, that it had been decided that if the person alleged to have committed the crime was not in the state at the time of the commission of the crime, he might be discharged upon hearing before some court of the state. This phase of the question, however, was not involved in the Taylor case. He was in Kentucky at the time of the alleged commission of the offense. The justification for the refusal to return him consisted in the statement of the perturbed condition of the public mind in Kentucky, and that regardless of his guilt or innocence he would be railroaded to a speedy death. This reasoning did not appeal to me. I had always felt, as I now feel, that if

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I take it into my mind to become a resident among the Yaqui Indians of Mexico and get into trouble I ought to be man enough to abide by Yaqui justice. I, therefore, made bold to say that if I were elected governor of the state of Indiana and the executive of the commonwealth of Kentucky should issue a requisition asking me to return Taylor for trial, he would go back. And then came in one of the queer things in politics. Its greatest charm is its delightful uncertainty.

I was elected governor of Indiana, a normally Republican state, and a Republican governor was elected in Kentucky, a normally Democratic state. This governor promptly pardoned Taylor, and all my boasts about sending him back for trial became "as sounding brass or a tinkling cymbal."

These views of mine led to the doing of an act which for a little while produced a whirlwind in public opinion. Dynamiting of buildings had been going on all over America. This series of crimes finally culminated in the blowing up of the Los Angeles Times Building. There was presented to me a requisition from the governor of California, Hiram Johnson, accompanied by a copy of the indictment, asking for the return of the McNamaras. In accordance with the views I have heretofore set out, I at once issued the warrant. McNamara was arrested, and without any opportunity to procure counsel or

NOBODY CRAZY ENOUGH

have a hearing as to whether he was in California at the time, started on his long journey to the Pacific Slope.

The labor unions of Indiana proceeded to meet and resolve. They resolved in such virulent and vicious language that no partisan press could be found willing to print the resolutions. Long afterward I learned that I was shadowed for six months by Secret Service men in the fear that I might be assaulted by some over-zealous union man. Of this I was not aware at the time, or I should have taken steps to have prevented it. Whether I am a Presbyterian or a fatalist I do not know, but I do know that if I am to be shot I will never be hanged.

In the city of Denver, while I was vice-president, a big husky policeman kept following me around, until I asked him what he was doing. He said he was guarding my person. I said: "Your labor is in vain. Nobody was ever crazy enough to shoot at a vice-president. If you will go away and find somebody to shoot at me, I'll go down in history as being the first vice-president who ever attracted enough attention even to have a crank shoot at him."

Efforts were made to get me to recall the McNamara warrant. But I maintained, as I now maintain, that I did my duty—neither more nor less. It was not because he was a labor union man that I issued

RECOLLECTIONS

the warrant; it was because he was duly charged by a grand jury with the commission of a crime, and I had been requested by the executive of a sister state to return him for trial. The excitement did not die out with the passing of the days. Long weeks were taken in the impaneling of a jury at Los Angeles. It took three times as long to find a jury there as it took to try Crippen, the wife murderer, in England and hang him. The trial dragged out interminably. One afternoon, about five o'clock, a newspaper correspondent, or rather a press scavenger, proceeded to dress me down for my conduct; to tell me how much he had always thought of me until I had sold myself out to the predatory interests in American life. Now, if there is anything on earth I have thoroughly enjoyed it is the cock-sure attitude of young men. So, instead of ordering him out of my office, as in justice to my position I should have done, I simply smiled at him and told him to wait—that the returns were not all in. Just then the custodian of the state-house opened the door and asked me if I would like to see *The Indianapolis News*—that McNamara had pleaded guilty. I said: "No, I do not care to see it, but the young man sitting beside me perhaps would like to look at it." This young man, with an oath, declared it was a newspaper canard. I said to him: "You have a wire, have you not, to Los Angeles?" He said, "Yes." I then

PERHAPS A LAMP-POST,

said to him: "Suppose you verify this, and if he has actually pleaded guilty come back to-morrow morning and apologize to me for the ill-bred and unjust statements you just have made." He said he would, but I have never seen him since. And this leads me to the expression of an opinion which I believe deserves more than passing consideration of thoughtful readers.

As the law now stands, if this man, McNamara, had found his way into a court in Indianapolis he would have been discharged because the evidence was overwhelming that he was not in the state of California at the time of the commission of the offense. Had he been discharged nobody knows what might have happened, for his arrest led to the investigation of his office in the American National Bank building, and enough dynamite was found there to have killed anywhere from ten thousand to forty thousand people, if it had exploded; the conspiracy to blow up buildings was disclosed, and while the United States Court had no jurisdiction, it had jurisdiction with reference to the transportation of dynamite and managed to send numbers of men to the penitentiary, and to stop dynamiting in America until the World War came on. It is beginning to show its hand again and it will not be stopped until somebody is hanged judicially or hanged on a lamp-post.

RECOLLECTIONS

Your outlaw is essentially a coward. He protests against society, its organization and its laws; he takes the law into his own hands and immediately, when he finds himself in its clutches, he uses every device of the law to avoid responsibility for his acts; in other words, he is for the law to save himself, but against the law if it prevents him from injuring another. Now, the reform to which I desire to call attention is this:

In my humble opinion the law governing extradition of criminals should be enacted by the Congress of the United States, under the provisions of the Federal Constitution which I have above set out. The law is a vain and idle thing if it be not a growing science, keeping pace with advancing civilization. All these decisions which hold that if a man, charged with crime, was not in the state at the time of the commission of the crime, he should be discharged either upon hearing or by writ of habeas corpus, should be modified in one part at least. Whenever the crime charged is a conspiracy to commit a felony it should be immaterial whether the co-conspirator were in or out of the state at the time the conspiracy resulted in the commission of the overt act. When I was not officially but personally informed that McNamara was not in California at the time of the alleged dynamiting and that was given to me as a reason why I should go from my

WHERE THE MAN IS

home down to the governor's office and withdraw the warrant—I reached the conclusion which I have ever since entertained upon this subject. When the Federal Constitution was adopted there was no telegraph, no telephone, no radio, no railroads. There was then extremely good reason why persons charged with crime should be in the state of its commission, because it was physically impossible for them to have been elsewhere and to have participated in the doing of the unlawful act. But these modern conveniences have, in the actual workings of life, changed all that. Conspiracies now consist partly of brain and partly of brawn. Either Congress or the courts, in the exercise of what I believe to be their fair duty in making the law, should declare that in conspiracy wherever the mind and the purpose of the man may be, there he is, regardless of where his body may be.

If I sit in my office in Indiana and by telegraph, telephone and other means of communication organize a crowd of men in any other state in this Union with the avowed purpose of the commission of crime; if the ingenuity of my brain lays out the course of conduct which others are to pursue in the furtherance of the common criminal intent; if this intent is subsequently followed by the commission of the crime, then all of me which was of any moment was in the state where the conspiracy was consummated. It is

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time to take time by the forelock and to declare that the brain and the heart of man fix where his body is, so far as punishment is concerned, when conspiracy to violate the criminal laws of any commonwealth has been crystallized into conduct.

I may be permitted to add another observation. Resolutions adopted by organized bodies of men in condemnation of public officials are about as idle as a painted ship upon a painted ocean, if subsequent events disclose the conduct of the official to have been justified. Nobody is more humiliated by these resolutions than the selfsame men who pass them. Less than a year after the vilification I received at the hands of organized labor it became my duty to appoint an engineer to the state-house. As usual, organized labor had a candidate, and its representatives presented resolutions requesting his appointment. I asked the gentleman who presented these resolutions where the others were. He wanted to know to what I referred. I said: "The resolutions you passed condemning me, and which were so vicious the public press never carried them. I am anxious to see them." Whereupon the spokesman said: "Oh, now, Governor, you know that was done under excitement. We hope you will not punish us for that foolish thing." I told him the appointment was to a highly skilful position, and that I proposed to institute a Civil Service exam-

THE UNION VOTE

ination and appoint the most competent man. If the labor union man was the most competent he should have the place; if not, he should not have it. He passed the best examination and obtained the appointment. When I left office the Brotherhood of Locomotive Firemen and Engineers presented me with a gold-headed cane and an engrossed address stating that they had received better treatment under my administration than that of any other governor of Indiana.

This, to my mind, is the conclusion of the whole matter. The labor union man is a human being; he is neither slave nor autocrat; he is moved with like passions as the rest of us. Like us, at many times he is prejudiced, but in the long run he has as much respect, if not more, for the man who treats him just as a man than he has for the official who shivers in his presence and consents to the doing of all sorts of foolish things in order to cater to what is known as the "union vote." There is no "union vote." Some day these shivering politicians will find out that the laboring man is not a man with a dirty shirt, who takes pleasure in fawning and in cowardice, but that he is a self-respecting American citizen, who ultimately judges the conduct of public officials by their desire to uphold the law and do the right thing; who votes as he pleases; who is willing to transfer to somebody else the making of

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a contract which has to do with his wages and working conditions, but who is not willing, and never will be, to transfer into the hands of a lot of self-constituted agents the discharge of that high duty and the preservation of that great privilege which is his—voting as an American citizen.

CHAPTER XV

THOSE who assume that my well-known advocacy of obedience to the decisions of the courts is based upon the fact that I have either been personally or professionally a *persona grata* to the courts, are laboring under a very great misapprehension. From the standpoint of my own judgment nobody's official authority was ever so outraged as was my own, as governor of Indiana, by a three to two decision of the Supreme Court of that state.

When I came into office there was a pretty generally well-established idea in the mind of the legal fraternity that the law of Indiana was, that an amendment to its constitution had to receive a majority of all the votes cast at the election at which it was submitted to the people for ratification or rejection, and that if it failed to be either accepted or rejected it was the duty of the General Assembly to dispose of it in the same way by re-submission or withdrawal of submission from the voters of the state; and that, in accordance with the terms of the constitution, no new amendment could be submitted until a pending one was disposed of. There were a number of things which, in my judgment, needed rectification in the organic law of the state.

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After consultation with those in whom I placed confidence, I had introduced into the General Assembly an act submitting to the voters of the state a new constitution. It is true that it was very largely the old constitution with certain changes which seemed to be in the interests of the people. The General Assembly enacted it and ordered it submitted to the people for ratification or rejection. Suit was brought to enjoin the submission of the question to the people, and finally a majority of the Supreme Court permanently enjoined me from its submission.

I think no fair-minded man, now unmoved by the excitement of those times, will dare dispute the logic and the law of the minority opinion. It was never contended by me that in the event of its ratification and adoption at the general election any person, injured in person or property or civic rights thereby, might not raise the question as to whether it had been lawfully or constitutionally enacted, and that when so raised the Supreme Court of the state of Indiana could, if the facts and the law warranted it, declare it unconstitutional and void. But my contention was, is now, and ever shall be, that there was never a more flagrant interference on the part of the judicial with the rights, privileges and duties of the legislative and executive branches of government than is contained in the majority opinion of the Supreme Court of the

République Française

LE MARÉCHAL JOFFRE



Washington, ~~XXXXXX~~ le 30 avril 1917

A l'Honorable Thos. Marshall,
Vice-Président des Etats-Unis,
Washington, D.C..

Monsieur le Vice-Président,

Je vous remercie de votre lettre si chaleureuse pour la France et pour son Armée que je représente ici. Je suis particulièrement sensible aux paroles que vous prononcez au nom de la Haute Assemblée et qui reflètent si bien l'amitié unissant nos deux pays. La loi que vous venez de voter est la preuve la plus éloquente de la volonté commune qui les anime.

Veuillez je vous prie, Monsieur le Président, transmettre à vos collègues l'expression de ma reconnaissance pour la sympathie dont ils m'ont honoré pendant mon séjour à Washington et recevoir l'assurance de ma haute considération.

Letter from Marshal Joffre

[Translation]

I thank you for your letter, so full of warmth for France and for her Army that here represent. I am particularly touched by the words that you speak in the name of the Senate and which reflect so well the friendship uniting our two countries. The law that you have just passed is the most eloquent proof of the common spirit that animates the

Let me beg you, Mr. President, to convey to your colleagues the expression of my gratitude for the kindness with which they have honored me during my stay at Washin

JUDICIAL AUTOCRACY

State of Indiana. Carried to its logical sequence, it will authorize the courts to stop a messenger carrying a bill, enacted by the General Assembly, to the governor for acceptance or rejection, take it away from him and enjoin him from presenting it for signature or for veto. Nay, more than this; carried to its ultimate conclusion, it would authorize the courts of the state of Indiana to enjoin and restrain the legislature of the state from enacting into law any act which any circuit court in the state might conclude, by its terms, would be unconstitutional. And if the legislature paid the slightest attention to the order of the court it would be within the power of the courts of Indiana to suspend every legislative function and turn themselves not only into judicial tribunals which, in my judgment have the clear right, after an accomplished fact, to determine whether that fact be constitutional or not, but to turn themselves, before the accomplishment of the fact, into not only legislative but also executive authority.

Those who are advocates of the American system of government are in the habit of tracing the three coordinate branches back to Plato's greater scholar, Aristotle. Although they give to Montesquieu the credit of developing the necessity of separate departments for the exercise of each of the three powers, yet if the student would proceed further he would find

RECOLLECTIONS

that this great principle was enunciated as a doctrine of the old Jewish theocracy, the greatest government the world ever knew so long as it maintained its purity. The doctrine was enunciated with reference to the triune God. Nobody can read the history of the world, especially of the Grecian or Italian democracies, without being driven to the irresistible conclusion that the decline and fall of these democracies is the record of usurpation of power, beginning always with slight encroachments and imperceptibly proceeding until either the government fell or was changed into an autocracy.

While the majority of the Supreme Court of Indiana was struggling to take to itself the power which did not belong to it, the Supreme Court of the United States was considering a like question, and deciding directly contrary to that of the majority of our own Supreme Court. The majority members never stopped to consider (or if they did, they did not care) that the history of the English people discloses there was a time when, by the usurpations of the courts of England, members of Parliament were cast into prison and its authority mocked at and defied until it almost ceased to exist. This conduct of usurpation led, of course, to great good, because it was the reason the Puritans came to America. The long, long fight against usurpation of authority kept on, until in 1640

CONTEMPT OF COURT

the Court of Star Chamber was finally abolished. Since that time no English court has ever dared to say what law Parliament shall or shall not pass.

Of course, I might have paid no attention to this majority opinion. Any attempt to have arrested and punished me for contempt of court would only have made a joke of the Supreme Court. I was advised to pay no attention to it whatever; to maintain my dignity as the chief executive of the state of Indiana, and to uphold the legislative authority of its General Assembly. I was urged, in accordance with law, to place the question of the new constitution's adoption or rejection on the ballot and to make a frank statement to the people of Indiana that I was preserving them from the usurpation of the courts, and to tell them if they adopted the constitution and any person was injured—person or property—thereby, I granted his right to raise the question of the constitutionality of its enactment. I did not feel that I could afford to show any disrespect to the majority of the Supreme Court of the State of Indiana, or to lessen the respect in which I was teaching the people to hold the court's opinions, by myself openly flaunting one of its opinions.

And so I obeyed the judgment of the court. I had no respect for it, and I now have a supreme contempt for it.

RECOLLECTIONS

I sought a Writ of Error to the Supreme Court of the United States upon the ground that the Supreme Court was denying to the people of Indiana a republican form of government. It was sought in my name, as governor. Before it came to a hearing I had passed from governor to vice-president, and because the record did not substitute my successor in office the writ was denied. I made bold, at a dinner party in Washington, to ask the justice who denied the writ why he did so; why he took advantage of the slight technicality, and his answer was: "If we had gone into the case we should have been compelled to decide that you were right and that the Supreme Court of Indiana was wrong, and that was a thing we did not care to do unless we had to, it being the invariable policy of the Supreme Court not to interfere, if it can avoid doing so, in any political questions arising in any of the states of the Union."

This decision was, however, speedily followed by one that removed all the doubts and suspicions in the minds of attorneys with reference to the submission of amendments to the constitution of the state. However honest the majority opinion may have been, it was, nevertheless, from my standpoint, a clear usurpation of authority. But no harm was accomplished. It did result in the clarification of the law, and notwithstanding my feeling about the question, I am still

KICK 'EM AGAIN

satisfied that I was a wise man in obeying the decision of the majority of the Supreme Court of the State of Indiana.

So far as I am aware no further attempts have ever been made to usurp authority. I can even find some justification for the majority opinion, in a feeling that I was attempting to usurp authority that did not belong to me. The crying need of this hour, in America, is a return to an inherent belief in the three coordinate branches of government. This belief is needed fully as much by those who are administering these branches of government as it is by the people themselves. Of recent years I have watched executives—both state and national—interfere indirectly, and, alas, to my certain knowledge, once or twice directly, with the legislative branch of government. Threats, intimidation, coercion, the prestige of power, have, to my knowledge, driven men to vote for measures which neither appealed to their judgment nor their conscience; and executives have been led to do this by the unthinking conduct of the people. The crowd throws up its hat and cheers every time an executive interferes with the legislative department of government. It shrieks, “Kick 'em again!” It does not stop to consider that the executive is not kicking his own dog—he is kicking the crowd's.

The courts have done some things that look very

RECOLLECTIONS

much to me like usurpation on their part. They, too, have been legislative. They will read into acts of legislature sections that never were passed, and they will read out, by what they call the Rule of Reason, sections that were enacted. Now, had they declared these sections to be unconstitutional I should not utter this word of criticism, but to legislate them out of existence by the Rule of Reason does not appeal to me. Executives interfering with legislation, and courts interfering with legislation have inevitably led to the modern cry for some amendment to the Constitution curbing the power of the courts. It is a sorry spectacle. All interference on the part of one department in the affairs of another has not so far reached the point where the people have been deprived of their life, their liberty, or their pursuit of happiness. The argument that the courts may not decide causes by a majority opinion is contrary to all the principles of our government. If we are to have two-thirds of a court agree that an act is unconstitutional before it can be so declared, then it must inevitably follow that that act should not be passed by Congress or a General Assembly unless it received two-thirds of the votes of all the members thereof.

Carrying this two-thirds theory forward, nobody should be permitted to serve in a Legislative Assembly in America who did not receive two-thirds of all

EVEN TO REVOLUTION

the votes cast at the election. This latter proviso might not be an inapt one in the interests of good government; for the constant interference with the life and the liberty and the pursuit of happiness of the individual by these multitudinous legislative enactments is more of a bane than a blessing. One thing may be asserted without much reasonable doubt: These coordinate departments of government must cease to cover any territory save that which is ceded to them by the organic law of the land. They must each keep scrupulously within bounds. Judicial authority especially must understand that it is a rather solemn thing to overthrow an act of the General Assembly or the Congress of the United States; that every presumption is to be taken in favor of the act. The courts must get out of their heads the idea that in some mysterious way they are a super-legislative body. If this be not done such amendments will be made to the organic law of the land as will give one department greater power over another than it ought to possess; or it will result in the breaking down of the ancient republican form of government. It may even go to revolution and the adoption by this people of the English form of government, where the act of Parliament is the supreme law of the land. To all this I am utterly opposed. I shall not consent to resistance to the decrees of the courts unless they keep

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on attempting to return us to the state of civilization which existed in Great Britain prior to the year 1640.

What all public officials in each of the three departments of government really need is a reincarnation, a birth anew, into the ancient ideals of the Republic which guaranteed the rights of man by the establishment of one department to make the law, one to decide what the law is, and one to execute the law. Thus, and thus only, can this people keep their liberties from being wrested from them by either ambitious executives, autocratic legislatures or egotistical courts.

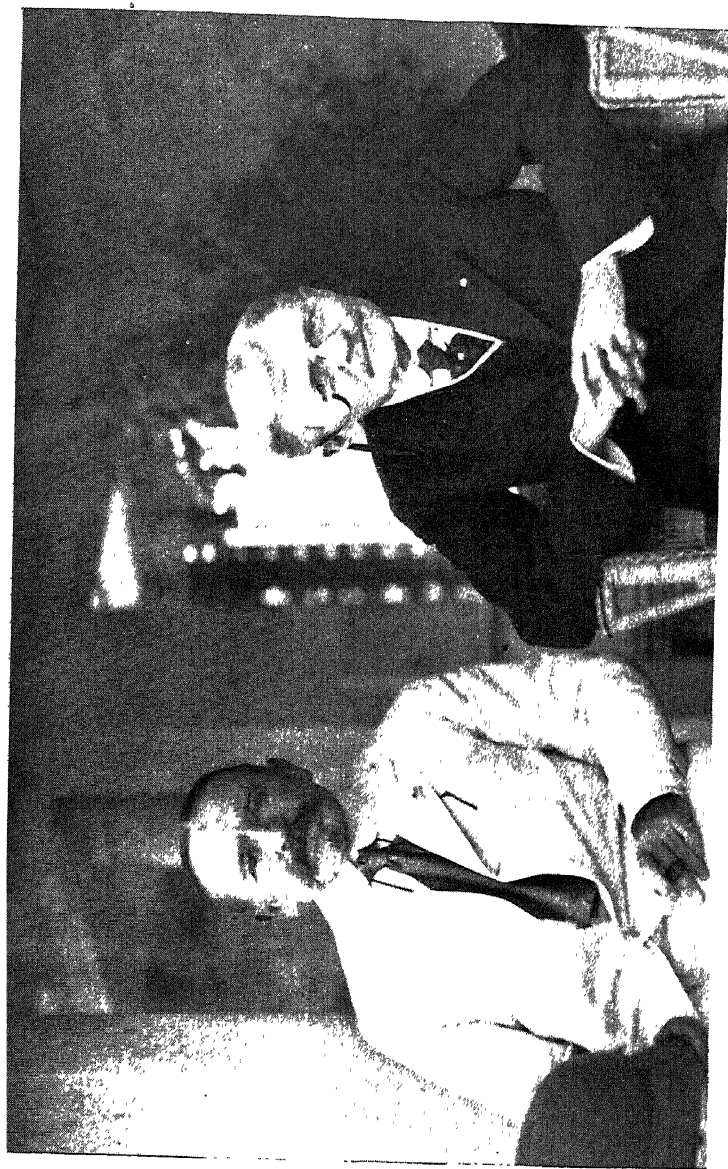
CHAPTER XVI

I MAKE no pretense to accuracy. I shall be quite content if the sensibilities of no one are wounded by anything I may reduce to type. I was never able to accumulate either the note-making or the diary habit. I saw lawyer after lawyer perspire like a harvest hand when he scratched on paper the statements made by witnesses on the stand. As far as I now know I never made any such notes. I had perhaps an unfounded opinion that what did not impress my average mind as of value in the trial of a lawsuit was quite likely to escape the observation of the court or the jury trying the cause. I had also an idea that there was such a thing as obscuring the points in your case by larding them over with the rambling statements of immaterial witnesses. I thought I had noticed that all the great discoveries in science had been made by men who had but meager appliances; that as soon as they began to surround themselves with too much paraphernalia they lost their original initiative in endeavoring to use the tools and appliances. I had not forgotten that when I was a boy there was a disease known as the wheat itch. It came between the fingers of the men

RECOLLECTIONS

who did the harvesting, was not only annoying but painful, and difficult to cure. The government of the United States put all of its experts at work to ascertain the cause of the disease, to the end of finding a cure. It spent hundreds of thousands of dollars in experimentation, and finally a country doctor in Indiana with a forty-dollar microscope discovered the little animal that caused the trouble and shortly found what would kill him. Thus wheat itch, as an annoyance to the human race, disappeared from our vision.

It has been a maxim of the law to beware of the man with one book. And it certainly is a maxim of life to beware of the man who does one thing, and whose mind is not diverted from that one thing either by startling statements or by the multitude of instrumentalities for the solution of his problem which may lie next to hand. My father thought it would be a good thing for me to keep a record each night of the things that impressed me during the day, and so when I was about ten years of age he gave me a little diary. I remember that on the evening of the first of January, after carefully pondering over my day, I recorded the fact that we had had buckwheat cakes and sausage for breakfast, roast turkey, cranberry sauce and sweet potatoes for dinner. With this record I was compelled to stop, for there seemed to be nothing else in the day that was worth recording for future



With Senator Phelan

WRIT IN WATER

generations. On the second day I cut the entry in two by the very simple announcement that we had buckwheat cakes and sausage while cold weather lasted. And this is all the diary that I ever have kept. I have always felt that the epitaph which John Keats wrote for himself would satisfy me: "Here lies John Keats, whose name was writ in water." I suppose I have no right to complain, but those who have kept these voluminous records that are pulled on an unsuspecting public, long after the authors have gone, have but served to stop a crack to keep the wind away. Yet I can not help expressing the opinion that the world would be quite as well off if much of the memories that have been reduced to writing had been lost in the limbo of forgotten things. Of course, it is valuable to the world to keep a record of good things, but to keep a record of those that simply provoke controversy and criticism, is not the highest object in life.

It goes, therefore, without saying that I went to Washington without a diary and returned without a scratch of the pen touching the many interesting events that I witnessed, conversations that I heard, or my then estimate of the men whom I met. I went, as I think the average American goes, somewhat in awe. I was impressed with the feeling that the American people might have made a mistake in setting me down in the company of all the wise men of the land.

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I was quite uncertain as to whether a man from Main Street could even dwell in harmony with these gentlemen who possessed all the wit and wisdom of the land, and with the women who had all its beauty and culture.

It was quite natural, therefore, in such an attitude of mind that I should have got off with the wrong foot in the Senate of the United States. Aside from the delivery of my messages while governor of Indiana, I had no experience in legislative halls. I assumed, however, that the presiding officer of the United States Senate had some authority. Without knowledge on the subject, I believed that there were certain parliamentary rules which governed the proceedings of that body. I am informed that it is the habit to test out a new presiding officer. Composed, as it is supposed to be and as it ordinarily is, of potent, grave and reverend seniors, there are, nevertheless, beneath this august exterior the prankish moods of childhood. When a new presiding officer comes in some senator will rise and begin to deliver an address on the truths of Christian Science, the pending measure being an appropriation for the investigation and eradication of hookworm. Then the trick is for another senator to rise to a point of order and state it to the effect that the senator is not speaking to the question in hand. I should have fallen for this and been in utter disgrace

A WILFUL GROUP

had it not been for the kindness of Henry M. Rose, the long time Assistant Secretary of the Senate, who tipped me off that in the Senate of the United States a man may talk about anything if he can once get the floor.

It did not take me long to find out that the Senate was not only a self-governing body but that it was a quite wilful set of men, who had not the slightest hesitancy in overruling a presiding officer, nor had it the least compunctions of conscience, if it cared to do so, in reversing one of its former rulings. It had its books of precedent and its rules, and these were of value whenever merely normal discussion was going on, or whenever a matter did not arise to the dignity of a partisan question. But when the Senate desires it has no hesitancy in throwing precedents to the four winds of the world.

I went there also at a time when a Democrat was, by a great many of the older members of the body, assumed to be a sort of wild animal. He had hoofs and horns, and he was quite likely to cause as much trouble with one as with the other. But even then I had learned my lesson in life. I had found, long before I arrived in Washington, that the ability to drive men ended at Appomattox; that more things were accomplished by good humor and a spirit of fairness than ever had been brought about by an

RECOLLECTIONS

attempt to enforce what you conceived to be the right. It was not easy work, nor was it soon ended. But I have a feeling that when it was all over, the members of the Senate disagreeing with me, as many of them did, both along political lines and lines within political lines, saw me go with the conviction that there was no bitterness or resentment in my heart because a man did not agree with me; that he might dispute everything I said, disagree with every view I held and yet he might remain my personal friend. I do not know whether this attitude toward life is worth anything or not. It does not get a man very far, I know, but it does leave him with a sweet taste in his mouth.

There was, however, an easier side of the problem than that of obtaining the respect and confidence of the senators of my own and of the opposite party. That was found in the social life in the city of Washington. Mrs. Marshall and I found ourselves being invited everywhere. With the guilelessness of a Hoosier, I imagined, at the time, that this was a tribute to the office I held, as well as to our individual personalities. It took years for me to learn that at Washington *ne plus ultra* means "something new." It growls at the rest of America when it hears the people out in the bushes proclaim their desire for this thing, that thing and the other thing, which they never

A HOWLING SUCCESS

had before. When it sees the country picking up new men and electing them in place of old and tried public servants, it sneers at the wisdom and the common sense of the average American away from his capital. But, after all, it has the same characteristics. It wants to see the new man and size him up. Therefore, what I assumed were courtesies extended on account of place were really Washington's effort to put us under a microscope.

What a dispensation of providence it is that though a man may peer into the future he can not see what it holds. Had I, at the time, understood the purpose I would have been utterly dismayed. It is now being told of a certain care-free American woman, who married a British peer, that she is the howling success of English society because she is herself. She has not attempted to conform to English customs and English manners, but she has brought with her, from our shores, the habits and manners that are natural to her.

Human nature is a right good thing, notwithstanding all of its errors and mistakes. It is not censorious of that which is genuine. It does not look down upon anything save that thing which tries to be what it is not. Now I am, myself, the owner of as fine a set of good manners as any one ever possessed, but I fear that they have not been frayed much by usage. I have not forgotten the incident of the lady who called on a

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congressman's wife, and found the congressman present. As the caller came into the room he started to rise, and the lady said: "Mr. Congressman, don't get up." The wife immediately interrupted, saying: "Let him alone! He's shoost learning!" I knew I ought to do this, but I'm afraid I did not always do it. I was either a natural-born Hoosier or a natural-born fool; the question has not yet been definitely settled.

So we began our social career in the city of Washington. It is not mine to write a record of the woman whose gentle spirit and kindly graces have smoothed for me many a rough spot in my political and social journey. I can say of her as Webster said of Massachusetts: "There she stands. Look at her." And if there be either need or desire to ascertain what was her status in the life of Washington, there are unnumbered souls who will gladly testify to her courtesy, her unfailing charm, her downright success.

I have an idea that what success I had in getting along in the social life of Washington was due to the fact that heaven had given me a nimble tongue; that I could phrase a compliment and tell a story out of the book of my life, which had not then been read by the people of that city. It will be necessary, in order to give some slight zest to the reading, hereafter to refer to incidents in that social life. Just now it is suffi-

HOOSIER MANNERS

cient to say that it was altogether delightful and wholly charming. Whether it was real regard—and that I am pleased to believe it to have been—or whether it was mere courtesy, at no time was I ever the recipient of a frowning face, never did I have a cold shoulder turned to me, nor the slightest suggestion that Hoosier manners did not appeal to that which was best and cultured in the social life of the city.

CHAPTER XVII

THE American people have been so kind to me that any seeming criticism may look as though I were ungrateful. Such, however, is not the fact. Faithful are the wounds of a friend. We are young, as yet, and there are many things for us to learn. It was a hard, hard thing in the beginnings of our government to get away from the trappings of royalty and to wear that modesty and decorum which bespeak democracy.

When the first Senate of the United States convened they had no stenographers and no one to keep accurate report of the proceedings thereof. The fullest account has been preserved to us in a journal kept by Senator Maclay, of Pennsylvania. He records that in a long discussion as to the proper title by which the president of the United States should be addressed, there was a dread and fear that even a title might constitute royalty, and there must be nothing savoring of royalty in the new government. So after much discussion they reached the conclusion that it was compatible with our new institutions to address the president of the United States as His Excellency.

HIS SUPERFLUOUS EXCELLENCY

While unrecorded, there is a legendary story that when this finally had been determined on, one of the senators from Virginia, who did not like Vice-President Adams, suggested, *sotto voce*, that the official title of the vice-president of the United States should be His Superfluous Excellency.

So far as any actual power in the affairs of government is concerned, this epithet hurled at the first vice-president expressed the truth. Although we have got very far away from the so-called trappings of royalty, still, even yet, in this Republic of ours, the holding of an official position, for the time being at least, sets the man apart from the rest of his fellow-men. There is a prevailing idea that, like baptism, election makes a new man, and the great body of our people who from time to time come to the city of Washington stand rather in awe even of the vice-president. They feel he must be a little bit different from themselves or he could not have been elected to the office.

In the Capitol there is an organization known as Guides, which has made itself thoroughly conversant with everything that is of interest to the American people. These guides can tell all about the paintings, the busts, the works of art; they have at their fingertips the history of the entire building, from the dome to the secret vault beneath, where, at one time, it was

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RECOLLECTIONS

the intention to deposit the ashes of George Washington. For a slight compensation they lead visitors through the building and explain it to them. The Vice-President's Chamber is adjacent to the Senate Chamber, and so small that to survive it is necessary to keep the door open in order to obtain the necessary cubic feet of air. When the vice-president is in the room these guides go by with their guests, stop and point him out, as though he were a curiosity.

I stood this about as long as I could, and then went to the door one day, and said: "If you look on me as a wild animal, be kind enough to throw peanuts at me; but if you are really desirous of seeing me, come in and shake hands." In that way I think I restored myself to the position I have always desired to occupy; that of an American, who looks up to nobody, looks down upon nobody, but who tries to keep a conscience clean enough so that he can look everybody in the face.

These guides blend their information now and then with a little bit of American humor. Visitors are not permitted to go on the Senate floor when the Senate is in session, but when it is not, they are taken in to see it. While I was there, there was a guide whose home was originally in Indiana. I listened to him one day when he had a crowd in the Senate Chamber. He said, in substance: "Ladies and gentlemen! This is

FOR BURGLARS OR WIVES

the Senate Chamber of the United States, the most august deliberative body in the world. Each state in the Union has two representatives, except the state of Indiana. Indiana has four—the vice-president, Senator Kern, Senator Shively and myself. When the first three are present, I am absent; when they are absent, I am present.”

Stories told of the information they impart might well fill a volume. What is amusing to one is commonplace to another. But I have always thought that one of the best stories is of the guide who was taking the party past the English Lutheran Church where there is a bronze statue of Martin Luther, and who explained that it was the statue of Luther, and on being asked who he was, said he was the man who built the church.

Senator Smoot lives at one end of the Connecticut Avenue Bridge. While a member of the Mormon Church, he is not a believer in polygamy, and is the husband of only one wife. His house has curved iron bars on the lower story windows, as protection against burglars. He tells, with great gusto, of hearing one of these guides explain to a company of tourists that the house on the right was the home of Senator Smoot, of Utah, that they would observe the iron bars at the windows, and that they were put there for the purpose of preventing his wives from escaping.

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The senators have one section of the gallery which is set apart for themselves and their wives. Into this section no one can go except a senator, his wife, or one of their guests. During a change of administration a new doorkeeper was placed at this entrance. Some important matter was attracting the public to the galleries and it was a rather difficult thing to obtain admission. Finally, the doorkeeper at the Senate section of the gallery came to me and inquired how many wives Senator Smoot had. I told him only one. He said: "Well, now, don't that beat the dickens? I have let in seven already, and I told the last one that she was the seventh, and she said yes, she was his latest wife." The senator enjoyed his story of the iron bars, but he was not particularly interested in this one.

A man might fill pages of these little incidents; and not all the observations come from the guides, either. Your man from Main Street, and particularly your boy, bring along with them what some declare to be their rude country humor. There is, in the Senate wing of the Capitol, a bust of each of the vice-presidents of the United States. Why they have been erected there, is not for me to say. I have always felt, however, that it was a sort of promise from each one to the American people that this was the last bust on which he would ever go. It was a sort of hostage



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With Senator Ewing

A PINCH HITTER

for a decent and respectable life thereafter. I overheard, one day, a boy of ten inquiring whose was a certain bust. The guide said, "Roosevelt's," and the boy replied: "Well, he sure does look like a nut!" Many a warm personal friend of the late President, who honored and loved him, looking at the same bust, thought what the boy thought, but did not have the courage to say it.

It has been written for instruction in the canon of Holy Scripture that he who humbleth himself shall be exalted, and he who exalteth himself shall be abased. Therefore, when a man finds himself in a position in which he believes that people are likely to crack fun at him, he has chosen the better part if he beats them to the fun-making.

I soon ascertained that I was of no importance to the administration beyond the duty of being loyal to it and ready, at any time, to act as a sort of pinch hitter; that is, when everybody else on the team had failed, I was to be given a chance. I reached the conclusion that I was too small to look dignified in a Prince Albert coat, and the way I wore my silk hat was evidence that it was not a thing of common usage in the ordinary walks of life in Indiana. I, therefore, chose what I thought to be the better part: To acknowledge the insignificant influence of the office; to take it in a good-natured way; to be friendly and

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well disposed to political friend and political foe alike; to be loyal to my chief and at the same time not to be offensive to my associates; and to strive, in so far as I had the power, to deal justly with those over whom I was merely nominally presiding.

And yet, the vice-president is not wholly without power. With the speaker of the House of Representatives, he has exclusive charge of the Capitol building and grounds. No procession can take place over it and no public speeches can be made from any point on those grounds without the consent of these two. This little power, being all I had, I resolved to retain it in all of its pristine glory. There were, therefore, but few permissions given during the term that I occupied the office.

One of the most annoying things was the everlasting clatter of the militant suffragettes. I think the adoption by the Senate of the Nineteenth Amendment was portrayed in the Scriptures by the unjust judge who got tired of hearing about it. The amendment really was submitted to the people in self-defense, to get rid of these women in order that some business might be transacted. They did not call on me very often, however, because it was quite well understood that while I was not opposed to an intelligent woman voting, I was distinctly opposed to universal woman suffrage, and still more strongly

HONEST OPINIONS

opposed to transferring the question of suffrage to the general government. I had two or three interviews, however, which may throw some light on the methods adopted to procure the bill's passage.

One good lady approached me and asked if I could not be for the Suffrage Amendment. She said that I was greatly embarrassing the Democratic women of Indiana; that the Republican senators were for it, and she had decided to see me and ascertain whether I could not advocate it. I told her I could. She brightened up, and said: "Well, that's fine!" I asked her to pause for a moment and answer me whether, if I came out for woman suffrage, she thought that anybody in Indiana would believe I had honestly changed my mind? I called her attention to the fact that I had announced that women had a right to shave and sing bass if they wanted to, but that I was not going to assist in the process. She frankly said she did not think that anybody would believe me. Then I asked her whether she preferred an honest man or a liar? She was the right kind of a woman, and said, so far as she was concerned, I should not be punished for entertaining honest opinions and honestly expressing them.

One night as I came out of the Senate Chamber a well-dressed woman stepped up to me, and said: "Mr. Vice-President, how much time have you?" I

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told her that providence had kindly concealed from my knowledge all information on that subject. She said: "I mean, how much time can you give me?" I said: "That depends upon what you desire." She told me that she wanted me to look at her back. I said, "What!" She said: "Yes! I want to show you how I was treated when I was confined in Occuquan for picketing the president." I said: "Madam, you must excuse me! I have no time whatever to give for that purpose. I have reached that age when I confine my examination of backs exclusively to the dinner table!"

While the picketing of the president was going on these enthusiastic women became desirous of adopting the same tactics toward the Senate of the United States. They had some knowledge, however, of the fact that they might find themselves in the capital lock-up, if they did so without permission. Two of them called on me, therefore, to obtain permission to picket the Senate. I responded by saying that the Congress of the United States had created a Fine Arts Commission; that this commission had exclusive jurisdiction over the erection of works of art in the city of Washington; that nothing could be erected in the public parks and grounds of the city until the commission had certified that it would beautify and adorn the landscape. I told them if they would take their proposed picketers to this Fine Arts

NOT SEX BUT SUFFRAGE

Commission and the commission would certify that they would beautify and adorn the landscape, I would sign a permission therefor; but I warned them that they would have to be better-looking women than those I saw standing in front of the White House, before they could ever hope to obtain this permission. They were good sports; laughed it off; went away, I think, satisfied, and the Senate of the United States was saved from marching through an army terrible with banners, proclaiming that what they desired was justice, not mercy.

Well, it's all over. The amendment has been adopted as a part of the organic law of the land, and woman has now her rights. It is to be hoped that she will realize that having obtained this right there is a duty superimposed upon it—the duty to maintain not only the old-fashioned government in America but the great ideals upon which that government was founded: The duty to make a home, from out whose portals there will pass strong and courageous men and brave women, who will dare to stand for the right regardless of mere personal advantage. It is to be hoped that she will take a greater interest in informing herself about public questions than the average man has done; but, above all, it is to be hoped that this amendment will remain a question of suffrage and not a question of sex; that the ballot will sweeten rather than sour the mothers of our land.

CHAPTER XVIII

I do not possess a scientific mind, unless the search for yard sticks by which I ought to measure my own conduct and by which I insist on other people measuring theirs, constitutes such a mind. I have great admiration for all scientific research. I realize the wonders that have been brought to light, but I also observe that so many things which are touted as the truth to-day are discarded to-morrow. I have oftentimes wondered not at what we think but at what it is that makes us think. We frequently speak of the heart, and are told to measure life by heart-throbs. It sounds peculiar, because all feeling and emotion and fixed purpose are supposed to come from the brain, and yet I sometimes wonder if it may not be the blood which is pumped through the brain that makes us think as we do. If there should be any truth in this suspicion then there is reason for frequent reference to the heart of man. Now and then I pick up something, which is scientific in its character, and read it. When I am through I do not know, however, whether it is truth or fiction.

The other day I read that four different grades of

CONFLICTING CORPUSCLES

red corpuscles flowed in the veins of different men. I was informed, by the written page, that before attempting transfusion of blood it was necessary to determine whether the blood to be used had the same red corpuscles as the blood of the man into whose veins it was to be poured. I was told that unless this was true it was a very dangerous operation; that if it was the same corpuscle it would give strength and vitality to the man, but if it was a different one it would engender bloody murder and result in death.

Now whether this is scientific or fictional I do not pretend either to know or to state. But it looks to me as though there might be some truth in the theory, and that the controversies between men over principles arise between men who have different grades of red corpuscles in their veins. Whether these may be called aristocratic and democratic, I do not know, but I do know that men who seemed to me to be equally honest in private life; who were equally blameless; whose sentiments were wholly generous; whose friendships were genuine, could not think or act alike on great principles of government.

I watched the contending forces array themselves in battle over the great economic principle of the tariff. I started in, of course, with the idea that no man could believe in the principle of protection unless it was a matter of personal interest to himself; that

RECOLLECTIONS

it was a wholly discarded economic doctrine from an intellectual and moral standpoint. I was unable to see how patriotism justified the passing of a dollar from my pocket into the pocket of another individual American citizen. But as the long hot days went by, in the Senate, in the discussion of the Underwood-Simmons Tariff Bill, I discovered that there were men who really believed that a high protective tariff was of value to the entire American people. I discovered that they had no personal interest in the working of the tariff. I found that many of them were as poor as the poorest Democrats. I think it must have been brought about by the grade of red corpuscles they had in their veins. And, from the theologic standpoint, believing as I do that there is no conflict between genuine science and true religion, I am beginning to wonder whether there is not something in the old doctrine of a change of heart; whether in some mysterious way, known neither to science nor to religion, true conversion is not a change in the character of the red corpuscles, changing the crooked ones into straight?

The attempt to take the tariff question out of politics is not nearly so successful as the taking of alcohol out of beer. As long as the Congress of the United States levies the taxes and determines the sources from which the revenue shall be derived, the

LIKE A ONE-LEGGED MAN

tariff will remain in politics. This is not a discussion of the right or the wrong of it. This is the frank expression of an opinion that a tariff commission is just about as valuable as a letter written by an inmate of an insane hospital. To pretend to organize a commission that will tell the difference in the cost of production at home and abroad, is no more possible than it is for a one-legged man to dance a hornpipe. You can not even tell the comparative cost of production and the reason for it, in factories in our own land, our own state, our own community. It depends on the plant, the management, and a thousand other things. We shall never have any valuable information from a tariff commission until they find out how to make men and plants alike, and have them all moved by common impulse.

Whether you may like Woodrow Wilson, or not, is beside the point; this one thing you will be compelled to accord him: he had ideas and he had the courage to express them. He desired things done, and he had the nerve to insist on their being done. He had, I think, discovered that it was not sixteen to one that troubled the financial world of America, but that it was this condition of affairs: that whenever times were hard and men needed money, the banks demanded that debtors should pay their notes, and when times were easy and they had plenty of money to loan, no-

RECOLLECTIONS

body desired to borrow. He grasped the idea that there should be some way devised, among men in the financial world, whereby a perfectly solvent debtor could obtain credit when he needed it. And so the Honorable Carter Glass, then of the House of Representatives and now senator from the state of Virginia, introduced his bill for a Federal Reserve System. How much of the original bill remains is not of any moment. He is entitled to the honor, under the president, of having been the pathfinder.

In due season this bill came to the Senate and there received the most exhaustive, painstaking and patriotic examination by the Senate as well as by the Committee on Banking and Currency, over which presided the Honorable Robert L. Owen, of Oklahoma, and upon which were Senators Reed, of Missouri, Hitchcock, of Nebraska, O'Gorman, of New York, and Burton, of Ohio, with other illustrious senators. For weeks the controversy went on in the Senate. In my humble judgment it was the most illuminating and exhaustive discussion of a public question ever held in the Senate of the United States.

The personnel of that body, of course, was not the same as in the days of Clay and Calhoun and Webster. The shifting years had changed it to a body considering economic questions. Some time the whole record will be reviewed, and when it is, it will be

NOBODY SAID WHY

found to contain a practical history of all the banking systems of the world; of all the debts, assets and incomes of all the races of the world; of their armies, their navies, their taxes.

I listened to the discussion with undiminished interest. I doubt whether I lost a single word that was said on the subject, or failed to read every document that was introduced into the record. I was moved to this care by the fact that I had been on the Democratic State Central Committee in Indiana, in the year 1896, when Mr. Bryan was making his fight for the free and unlimited coinage of silver at the ratio of sixteen to one. I was one of the five members who held fast to the organization. I knew what an up-hill fight we were then making. I became convinced that it was merely a question of banking and not a question of coinage.

During this long discussion senator after senator announced that in order to do safe banking it was essential to have a fifteen per cent. gold reserve, but nobody ever said why; so one morning, when Senator Burton came in, believing that he has more knowledge of banking and currency than any man in the United States, I ventured to ask him why it was necessary to have a fifteen per cent. gold reserve. He threw his head back, gave a hearty laugh, and said he had read everything printed in English, French, German and

RECOLLECTIONS

Italian on banking and currency; that they all agreed upon the fifteen per cent. reserve, but that nobody ever said why. It seemed to be one of those self-evident truths of banking.

It appeared from the discussion that the German emperor was maintaining a standing army of eight hundred thousand men at an expense of exactly eight hundred thousand dollars more than the then eighty thousand men of the standing army of the United States were costing us. It was also shown that in that year 1913 every income in the German Empire was paying a ten per cent. tax to the government. It likewise appeared that socialism was growing by leaps and bounds in the Empire; that one of the principles of socialism was its abhorrence of and opposition to war. There was also great agitation for universal manhood suffrage. It was shown that the probabilities were, that if the French people had not held the notes of German citizens and compelled their payment, thereby withdrawing gold from the Reichbank, there would have been war between Germany and France at the time of the African incident.

When, therefore, the Federal Reserve Bank measure finally passed the Congress of the United States, in December, 1913, and I had signed it, I went into one of the cloak rooms and said that was the best piece of work Congress had accom-

SPANISH EMBASSY,
WASHINGTON.

March 15 1917.

My dear Mr Vice President:

I am sending you a sample
of the pipe tobacco I spoke
to you about, and a pipe
which the makers recommend
to smoke it in. Please
try it, and I hope that

you will like it.

With warm regards, believe me

Very sincerely yours

Juan Pizano.

TRUE PROPHET

plished in many years; that there would be a war in Europe within five years, and that we might be drawn into it; and if we were, that this system would enable us to finance a war. I was laughed at by the senators who were present, some of them even venturing to inquire what sort of liquor I had been drinking, assuring me that the peace of Europe was permanent. I then recited these facts, not all of which were known to any single one of them, and made the statement that the German emperor would either be taken from his throne by the growth of socialism or he would have to justify the standing army, rouse German patriotism and make France pay the bill.

It was not five years—it was only nine months—until the awful cataclysm came; that world-destroying war, from the effects of which neither the minds, the consciences nor the business of mankind, on either side of the Atlantic, have as yet measurably been restored to either normality or common sense.

CHAPTER XIX

I NEVER have been a diplomat, yet I believe I was one of the first to practise the modern idea of diplomacy. I had not long been in Washington, or come in contact with diplomatic circles, until I discovered that there was something wrong in our relations with Central and South American republics. Nothing was to be observed in the outward appearance and demeanor of the representatives from these countries. They were polite, courteous and kept every known law of social intercourse. But beneath it all I thought I saw a spirit of doubt and hesitancy touching the real motives of the American Government.

What I am about to say has no foundation whatever in any word that ever came from the lips of any minister or ambassador. It may not be true at all. On the other hand, I think it was a hang-over from the second sight of my Scotch mother—a feeling impalpable, indefinite and yet nevertheless acute. Whatever may be said for or against the action of this government in the Panama Canal incident, I am quite satisfied it produced in the minds of all the Latin-Americans a feeling of uncertainty and insecurity.

WITH JAUNDICED EYE

Whether we were or were not under treaty obligations with New Granada to preserve the territorial integrity of its successor, Colombia, is beside the point. I am quite satisfied that Latin-American Governments believed that we were. You must now add to this the manifest irritation of the Monroe Doctrine as it would vision itself to one of those republics, in the light of the Panama incident and treaty above mentioned. It is not necessary to say that the Latin-American mind differs from the mind of the man who speaks the English language. That fact has little to do with the conclusions that would be reached. Regardless of this difference, one who felt that America was in the wrong would look with jaundiced eye upon what is known as the Monroe Doctrine. Such an eye would naturally construe it to be a doctrine which said to Europe: "Keep your hands off of the new republics of the new world, but remember that whenever we take a notion to interfere with them we shall do so." This was not an appealing doctrine. I felt, in the diplomatic atmosphere of Washington, that the kind of a Monroe Doctrine these republics would like to have was a doctrine that said not only to Europe but also to the United States: "Keep your hands off of our governments."

This dread and suspicion with reference to the real meaning of the Monroe Doctrine had been aug-

RECOLLECTIONS

mented by certain speeches made in the Congress of the United States when the Mexican situation grew acute. These utterances were to the effect that it was the history of mankind that weaker nations went down in the face of stronger ones and that higher civilizations impressed themselves upon lower ones; that it was the teaching of history that the United States should go to the Isthmus and bring all the vast territory between it and our border within the control of the American Republic, and that the sooner we went the quicker we would have it over with, and peace, law and order be established.

I was not a believer in the doctrine of the survival of the fittest, if by the fittest was meant the strongest physically. On the contrary, I was a believer in the maintenance of governments as they then existed, without any outside interference, to be bettered or made worse by their own citizens, and not by outside interference. I had never yielded my assent to the doctrine of benevolent assimilation, to the extent that it ought to be put into practical operation. The greatest right of a free people is the right to make fools of themselves; to try systems of government; to select the most foolish instead of the most wise for their governors.

Nor was I at all satisfied that there was any deep-seated desire on the part of the people of this country

FRIENDSHIP WITH ALL

to add to their territory. What they did want was entangling alliances with no people, and friendship with all. In my humble way, therefore, as I began socially to meet these gentlemen, I sought every occasion to express my views as to what was the real desire of our people. I may be mistaken about it, but I believe that there was a change in feeling, and that in the long years of the Wilson administration, with the patience that was exercised over the Mexican situation, a different view has impressed itself upon Latin America; that the dread and fear of conquest by the United States has passed away, and that now there is as friendly a feeling between the republics of this western continent as has at any time existed.

Responsible for nothing and influential nowhere, I only stood on the side-lines and watched the Mexican situation develop. It perhaps has resulted as well as it possibly could; and yet, as I observed the long list of outrages, I felt, and privately expressed the opinion at the time, that this government should have notified Argentina, Brazil and Chile of the true condition of affairs in the Republic of Mexico; should have called on those governments to furnish their proportionate share of an expedition to enter Mexico with the Government of the United States, restore law and order, furnish security for life, property and investments, and then withdraw or else notify those

RECOLLECTIONS

governments that if they would not join in an effort to compel the Mexican people to establish a stable form of government, then the United States, of its own volition, would enter, and come out when it got ready. Things have turned out, I think, all right, and I do not know that this would have brought them around any more satisfactorily. But I felt it would be giving an assurance to those leading republics of South America that our country expected them to bear their share of the burdens of good government in the western hemisphere.

At that time the Brazilian Government had as its ambassador a very great representative, Señor D. da Gama. He was married to an American. He represented his government with great dignity, impartiality and fairness, and was later, during the war, transferred to the Court of St. James.

It is not possible to mention all of the illustrious men who were in the diplomatic corps at that time. It is sufficient to say that in the arts of diplomacy, in the knowledge of international law, in the clarity of presentation of a subject, the Latin-American mind is capable of playing rings around the stolid, matter-of-fact English diplomatists.

Shortly after we went to Washington, Viscount Sutemi Chinda, the Japanese ambassador, called on us. In the course of our conversation he said

BEING FROM INDIANA

to me: "You do not know me." I supposed he thought that being from Indiana I had not sense enough to know that he was the Japanese ambassador, and I responded at once: "Why, of course, I know you! You are the ambassador from Japan." To this he replied: "Oh, I do not mean that. I mean you do not know me." I said: "If you mean more than that, I shall have to plead guilty. What do you mean?" His answer was: "I know you, although you have forgotten me. I was a student at DePauw University, in Indiana, when you were at Wabash College, and I met you several times at one or the other of those institutions." Of course, that fact at once established a cordial relation between the ambassador and myself. He was succeeded by Aimaro Sato, who I also discovered was in DePauw at the same time I was a student at Wabash. Here, then, were two successive ambassadors from the great Empire of Japan, who had been educated in my home state. I met afterward, at the Panama-Pacific Exposition, Admiral Baron Uriu, the official representative of the Government of Japan. When Baron Makino was on his way to the Paris Conference he stopped over a day in Washington, and I had also the pleasure of a talk with him.

These are only a few of the great Japanese with whom I came in contact. And out of all those conversations there rang one clear full note of an intense

RECOLLECTIONS

desire, on the part of the Japanese Government, to maintain friendly relations with the people of the United States. When you get down to the facts in the case you will readily understand the origin of that feeling. Very many Japanese were educated in our institutions of higher learning. Many of their wives were graduates of our women's colleges. They all recognized the fact that it was an American naval officer who awakened Japan from her thousand years of slumber and set her down among the nations of the world, and made her a potent factor in the progress of the future.

Not only were their diplomats trained in American educational institutions, but there was not a prominent general nor admiral in the Russo-Japanese War who did not obtain his military or naval training at West Point or Annapolis. No other nation on earth, up to that time, would suffer or permit a Japanese student to acquire any of the arts of war in any of its military or naval schools. These generals and admirals fought the Russo-Japanese War with military strategy acquired in American institutions. There was not one of them that did not express to me, and I believe express truly, the sentiment of the Japanese Government: That war was unthinkable between their government and ours. They even went to the point of saying that if they were to lay

THE WHITE PERIL

aside all sentiments of gratitude, forget all the kindness shown by America to their country, they were wise enough to know that while they could cause us a great deal of trouble in the beginning, that when we gathered ourselves together, with our population and our wealth, they eventually would be swept into oblivion. And they were not men who talked as though they had not thoroughly considered the subject. One and all, they gave me something to think about.

They called to my attention the fact that as we had a certain population on the western shores of our country that was never-endingly talking about the yellow peril, we should not forget that they had a like population in their own country who never ceased to talk about the white peril; that as our people on the western slope viewed with alarm the increase in Japanese, so over there they looked at us in the Philippines, and they saw France and England holding the balance of power in China. And they reached the same conclusion I have reached: that there will be no danger of any trouble between Japan and the United States unless the yellow peril criers on the Pacific Coast, or the white peril criers in Japan, shall succeed in getting hold of the reins of government.

All the while I was in Washington I was raising my piping voice to the Committee on Immigration to adopt the Gulick plan for future immigration. It has

RECOLLECTIONS

been substantially done in the last immigration bill, permitting the entry of immigrants from foreign countries in proportion to the number who entered prior to the year 1890. And yet, although this proportion would not have permitted two hundred Japanese to come in during any one year, the yellow-peril crowd succeeded in insulting the Japanese Government by excluding these few. Everybody knows that ten times that number sneak across the line from Mexico or from Canada every year. Why this gratuitous insult should have been offered to a proud and friendly people passes my comprehension. We would far better have permitted the two hundred to come in, strengthened the watch on the Rio Grande and the watch on the Canadian Border, procured the friendly assistance of the Japanese Government in keeping them out and thus have saved the faith of people who, in my judgment, are not anxious to have their subjects enter America, but who are quite anxious to be treated on a parity with the other civilized nations of the world.

I am not a great amender of the Constitution of the United States, but one of the vexing problems of the world has been this question of dual citizenship, where the nation of a man's birth and the nation of a man's blood each claims him either as a citizen or a subject. This question went to the League of Na-

DUAL CITIZENSHIP

tions between England and France. Certain English merchants, domiciled at Algiers, had children born to them who grew to military age and were ordered into the French Army. France claimed them as citizens; England claimed them as subjects.

I have never seen how the League of Nations decided the question. We, ourselves, had a world of trouble with the German Empire over this question of dual citizenship during the World War. Our own Constitution provides that anybody born in America is an American. How easy it would be to provide that only the children of American citizens shall be Americans.

Why don't we take the first step in clearing up this mooted question? If we should do so, then it is clearly within the province of the several states of this Union to provide that none other than citizens should own real estate. In this way we would treat Japan as the equal of the other nations of the world. She could have no fault to find with such exercise of sovereignty over our own real estate. We would thus cement an already existing friendship to such strength that a breach of friendly relations between us would seem to be almost impossible.

CHAPTER XX

I AT least had luck in meeting worth-while men, and in learning that a good story has almost as much effect as the most logical presentation of a cause. At my advent into Washington life the British Government was represented by that very best friend America ever had—James Bryce. Scholar, gentleman and friend to mankind, he had devoted his long life to the study of problems of state and how people solved them. He had an immense admiration for our government, and there was no tinge of bitterness arising from the fact that long ago we severed our connection with the British Empire. If our people could be half as sensible and sympathetic, much of the irritation that has existed would rapidly disappear from the relations between the two countries.

It so happened that Mr. Bryce and I soon came in contact at a Gridiron dinner, and I was called on not necessarily to say something but to add, if possible, to the enjoyment of the occasion. I had an idea that the stories that were threadbare in Indiana might be new in Washington, and so I told a few of them, to the seeming delight of the audience. I afterward

AND A GOOD STORY.

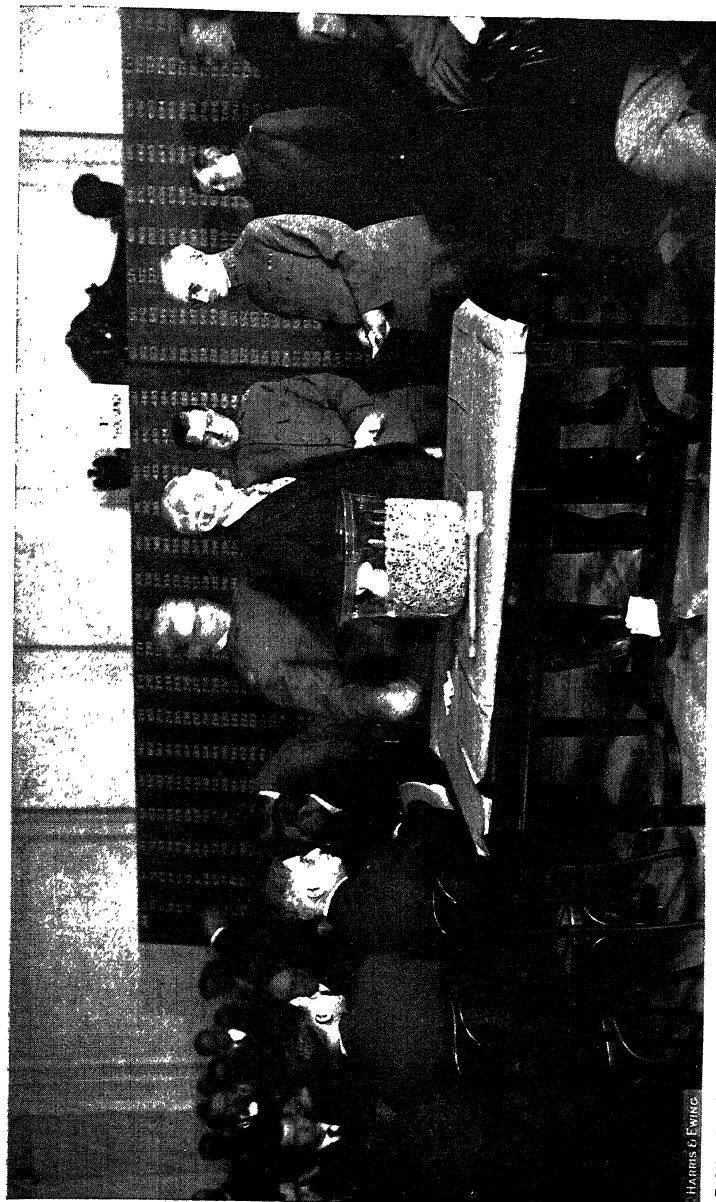
learned that Mr. Bryce greatly enjoyed them. Unfortunately, he did not remain long in Washington, and the next and last time I saw him was at the farewell dinner given to him in the city of New York. Again I was called on to make a little talk. Realizing that it was perhaps the last time the American people would ever have an opportunity to express their real sentiment touching this man, who had then been raised to the British peerage, I couched the few things I said in rather sober sentences. I was subsequently told by the presiding officer, that Lord Bryce said it was a very good speech but he wished I had told some more of my Hoosier anecdotes. A soft answer turneth away wrath, and a good story will come near wiping out every semblance of animosity. Lord Bryce made us a beautiful farewell speech, and paid a kind and loving tribute to our country, but the real speech of the evening was made by Lady Bryce. I have heard a great many after-dinner speeches, and have tried to make not a few myself, but on that occasion she excelled every effort.

Your level-headed man will tell you that the emotions ought to be put under restraint, and that cold logic should all the while govern the conduct of mankind. It may be so, but if it be, life will not be quite so happy as it has been hitherto. I do not care to know too much about the man I honor or the woman

RECOLLECTIONS

I love. I never desire to go into the full details of how it happened that the French people came to our assistance in the dark hours of the American Revolution. I had sufficient knowledge of history to know that perhaps if we put their conduct in the scales of impartial judgment we might be compelled to decide that their assistance was rendered in an effort to cripple the British Empire. But I never desired to figure it out this way. I thought of them as an impulsive, liberty-loving people. I prefer to believe that the major motive in coming to our assistance was to spread the gospel of the rights of man to self-government. And all along the earlier years of my life I saw Lafayette marching side by side with George Washington. I grew to have an intense affection for the French people, and even now I shall thank nobody for trying to prove to me that they are cool, calm, calculating and deliberate in their relations with America, as in their relations with the world.

Entertaining, therefore, this friendly feeling for that people, it is not at all remarkable that I began to pay my tribute of respect and esteem to the French ambassador and to Madame Jusserand. He was, and perhaps is, the most accomplished literary diplomat who ever came to our country. He knew our language, our laws, our literature, and he knew our people. He had all the vivacity of the French temperament and



Harris & Ewing

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Drawing draft capsules

A BEAUTIFUL COUPLE

all the clear logic of a thoroughly trained mind. He told and he enjoyed a good story. He never sought to obtain a good opinion for his country by roughshod methods. Many have held that he was a diplomat of the old school, in the sense that all his kindness and courtliness were but a part of his diplomatic service; but I am venturing to make the claim that I knew him, knew him intimately, and whether any one else in the world absolves him of old-style diplomacy, I absolve him completely. Loyal to the core to France and to her best interests, he was the genuine friend of America. He knew America so well that he could overlook and forgive much that we did, as being the careless actions of a thoughtless boy, rather than the deliberate conduct of a mature man.

He had for wife a woman who filled the definition of this good old English word. She was, indeed, a weaver; both in the home and in the diplomatic life of Washington. She wove in the home beautiful tapestries of courtliness and kindness until the most obscure guest believed himself to be especially honored. And in the public life of Washington she wove white robes of charity and red bandages of courage. They were a beautiful couple, living a beautiful life, facing with courage an age fraught with danger to the land of their love.

At this same time the German Empire was repre-

RECOLLECTIONS

sented at Washington by Count Johann von Bernstorff. He was the complete antithesis of the French ambassador. He was a genuine Prussian Junker. He was the right consummate flower of that German education and civilization which in three generations had turned a liberty-loving and conscientious people into a nation that presented to the world two standards of morals—one, individual, as fine and clean as ever, and one, governmental, which justified any outrage if committed at the order of constituted authority. I do not know that I have any right to criticize his conduct. I rather think I am not doing so, but simply telling the facts.

It is an ambassador's duty to represent his government. I assume he has a right to do so in a way entirely satisfactory to himself. I doubt whether he is to be criticized for the way in which he does it, but his way may lead to disastrous results for his people, because it may turn public opinion against himself and his government. Bernstorff was an intense believer in constituted government and the right of a ruler to rule. It was for him, indeed, *lèse-majesté* even to criticize a ruler.

It is well known that the elevation of Woodrow Wilson to the presidential chair was gall and wormwood to a good many so-called leaders of polite society in Washington. They did not hesitate freely

A SERVANT OF THE STATE

to express their opinions, as they called them, although these opinions were very largely the babblings of ignorance. I was told and, from what I know of Count von Bernstorff, I believe it, that on one occasion he was at a dinner party when this outburst of abuse began. He mildly suggested, in the first lull of the conversation, that perhaps they did not realize they were talking about the president of the United States. He was interrupted by one of the guests, who said: "Yes, we know it! He is not sacrosanct! We will say anything we please about him!" Whereupon the count arose, and said: "I must leave the table. If His Majesty knew that I sat at a table where the guests were vilifying the president of the United States he would recall me."

Much has been recorded against Count von Bernstorff. I put this little in to his credit. Careful consideration, since the close of the World War, leads me to believe that it was his sense of loyalty to the German Empire, his training in the belief that the state could do no wrong; his idea that it was the unqualified duty of a servant of the state to obey orders whether they appealed to his sense of justice, wisdom or propriety, that it was all these that led him to the doing and saying of many things he said and did; and that they would not otherwise have been done or said.

One of the amusing incidents, to my mind, came

RECOLLECTIONS

out after the count had received his letter of dismissal and we were entering the war. A girl from Indiana came into my office in great distress. She was a literary woman; had come to Washington to assist in the issuance of a society journal. It blew up when the count went home. Then she discovered that while it was ostensibly a society journal, in reality it was a magazine seeking favorably to mold public opinion for the German Empire. It had letters of endorsement from almost every leading woman, including Mrs. Wilson, in Washington, save and except Mrs. Marshall. It would contain an account of one of Mrs. Wilson's party gowns, and then below it would have some act of pretended friendship which the German Empire had shown to the American Republic. It was a shrewd move to mold public opinion in Washington, but it did not succeed.

Whatever may have been the attitude of mind of the rest of the Republic during those long and weary months when the war was being waged, and prior to our entrance into it, Washington was distinctly pro-ally. Shortly after the declaration of hostilities the president issued an address to the people in which he called their attention to the fact that we were a neutral nation and urged us to maintain our neutrality by not taking sides. So far as I now know I am the only living American, possessed of a voice, who fol-

DIFFICULT DINNERS

lowed that advice. I believed it to be my duty to obey not only the orders but the requests of my chief, and the only thing I got out of my loyalty was to be called by some people, an idiot, and by others, a fool. Whether idiot or fool, I have the consolation of knowing that I kept my faith and my loyalty.

Diplomatic relations, of course, became strained when the war broke in Europe. Three days before it broke I was at a dinner party with Jusserand and von Bernstorff. They laughed and joked and told each other good stories. Three days after the war broke they would pass each other on the street without recognition. This custom went to the very humblest lackey in all of the embassies whose countries were engaged in the war. It made the social life of Washington difficult. Dinners tendered to these ambassadors had, of necessity, to be small and limited to partisans. I never appreciated how intensely pro-ally Washington was until we began to give these small diplomatic dinners. The French ambassador, as the dean of the diplomatic corps, was tendered the first small dinner, and every invitation was accepted. An invitation to the White House is, of course, a command. An invitation to dine with the vice-president is not exactly a command, but if you decline you may get in the In Bad Club, and your excuse must be a valid one or from that time forward you may be

RECOLLECTIONS

forgotten. When it came to the dinner to Count von Bernstorff I never knew, until the influenza struck the town, such an epidemic of illness. There were forty-seven prominent persons who were too ill to attend, and it took two weeks to get twenty people who were willing to dine with von Bernstorff.

One of the great ambassadors and fine characters in Washington life was and is Señor Don Juan Riano y Gayangos. His wife, Madame Riano, is an American woman; charming, gracious and very popular. He was a source not only of admiration but of great wonder to me during the period of the World War. I was having some difficulty myself in remaining neutral. I had almost reached the conclusion that the only way to be strictly neutral was to be a congenital idiot. I could not, of course, remain neutral in thought, for neither then nor at any time in the future would it ever be possible for a reasonable being, under the king's peace, who reads of occurrences, not to take mental sides for and against. But, of course, it is possible for a man to keep still; to be a hypocrite by silence—perhaps a hypocrite in a good cause and for a good purpose.

When I was considering my own situation my mind inevitably turned toward the Spanish ambassador. His country was adjacent to the scene of conflict. It was outwardly maintaining, and did maintain to

IN THE STORM CENTER

the end, a neutral attitude. He was in the storm center, as I saw it, of diplomatic controversy. He saw his associates in the diplomatic corps divided into two parties. However well the ambassadors of the contending forces may have behaved themselves, their official forces, of very necessity, spread their views and did what they could to create a favorable opinion with the American people.

I was fairly intimate with the Spanish ambassador. He was unusually kind and thoughtful. I was the recipient of many courtesies at his hand. I had numerous conversations with him. There are, of course, numberless people who *now* know just exactly what was his attitude of mind during the Great War. But I venture to assert that if they knew it, it was knowledge obtained by some divine revelation. It was never told to any one of them by the ambassador. He had a hard, hard time of it, but he conducted himself like a gentleman, a scholar and a diplomat, and he, with Madame Riano, came out of the conflict holding the respect and good will of all right-thinking people on either side of the controversy.

It is perhaps just as well to mention here as elsewhere in these rambling recollections, some incidents which led up to our entrance into the World War. I, myself, had been trained in the Jeffersonian school of democracy and statecraft. I had believed in the doc-

RECOLLECTIONS

trine of entangling alliances with no people and in friendship and commerce with all. I had raised my little piping voice against the taking over of the Philippines at the close of the Spanish-American War. I believed that a republic was unfit to be a colonizer. And more than that; I felt it was the first step away from the traditional policy of the American government. I was quite convinced that when we got into the world we became a part of the world and would, in a measure, be responsible for the conduct of the world. Therefore, when there was a tie vote in the Senate of the United States as to whether the Filipino people should go free, I cast the deciding vote in favor of granting them their independence. Of course, this provision was lost in conference, but my vote was cast in accordance with what I believed to be the historic policy of the Republic: namely, to stay at home and mind our own business. I saw the complications arising every day over the situation created by the war in Europe and of our relations thereto, and I was eager, whether or not it was a good thing for the Filipino, to get rid of those island possessions, in the hope that we might maintain our neutrality.

It is not my purpose to moralize about high ideals and the duty which a people owes to God and to humanity. It may be that we have reached a state of

WHEN LAW IS A JOKE

civilization in which every man loves his neighbor's wife as well as he loves his own, but I doubt it, and I am not sure it would contribute to the good order of society if he did.

International law, like every other law, is a huge joke unless there is a moral sense of responsibility back of it which will induce those who have the deciding power to enforce the law by armies, if necessary. In my humble opinion President Wilson was right when he said that Article X was the heart of the Covenant of the League of Nations. Great lover of humanity and protagonist of peace that he was, he was not deceived about the human heart or the ambitions of men, and he believed that the time had not yet come when a law without the power to enforce it would amount to very much under stress of circumstances. We had had so-called international law and we had had treaties and conventions defining them. Particularly had we had those with reference to neutrality and what is known as contraband.

The British Government had pledged itself to remove contraband of war only from vessels on the high seas, and not then if it were consigned to a neutral port. Contraband of war, up to that time, had meant arms, munitions and supplies for fighting forces. Yet as the war in Europe went on, this solemn covenant of Great Britain was violated and, stickler

RECOLLECTIONS

for law that I am, I think was justly violated. For times change and what constitutes contraband of war yesterday may not to-morrow. The World War made practically everything a part of the fighting forces. The German General Staff was right when it declared that there were no non-combatants in war; everybody now is in the war.

Self-preservation rises higher than treaties, conventions and contracts. And the British Government did not hesitate to take our vessels upon the high seas, carry them to the ports of England, confiscate their cargoes and in due season pay the owners what they were worth. And this was done by what I conceive to be the law of necessity. So incensed became the Congress of the United States over this conduct of the British Government, that it passed a resolution authorizing the president to arm and convoy vessels of the United States carrying cargoes. We were never so close to a war with Great Britain as we were at that moment. Then suddenly the Imperial German Government went mad. It started on its indiscriminate submarine warfare; paid no attention to old men or maidens; to hospital ships or to Red Cross nurses.

The American people have been accused of money-grubbing and money-loving. Their sympathies up to that time were quite largely with the allied governments, it is true, but not to the extent of condoning

AMBASSADE DE FRANCE

WASHINGTON

April 4, 1916.

Dear Mr. Vice-President,

Your shrewd mind is sure to have understood what was the matter with me and to have pitied me. The fate of one who is full of gratitude and cannot express it is certainly worthy of pity, and I hope I have yours.

Mark Twain's "Christian Science" reached me long ago. I was so cramped with work, obligations, duties, visitors, etc., etc., etc. that I could scarcely peep at the book up to now and gather from it the tonic and comfort that genial

good

1. Thomas H. Marshall,
Vice-President of the United States
The New Willard,
The New Washington, D. C.

good humour is sure to bring to any tired member of humanity; and so days have passed and weeks too without my offering you my thanks for your kind and sincerely appreciated attention, you a very busy man too, with much heavier responsibilities, and who, in your kindness, found time to get the book and send it me. Be assured, dear Mr. Vice-President, of my gratitude for the gift and for the friendly sentiment behind it.

My wife joins me in asking to be remembered to Mrs Marshall and I beg you to believe me,

Most sincerely yours,

Thomas H. Marshall

Letter from Ambassador Jusserand

MORE THAN MONEY

what they believed to be a breach of international law, nor in joining the fight with those who were guilty of this breach. But there is something the American loves more than money—he loves humanity. And when he realized the attitude of the Imperial German Government, it was immaterial to him how many of the laws of neutrality had been violated by the allies or how much of the property of America had been, as he saw it, unjustly seized. He is not willing to sacrifice a single human life for the collection of an American dollar, but he is willing to sacrifice every American dollar to avenge the ruthless destruction of a single American life by a government which pretends to be and which ought to be a civilized government.

CHAPTER XXI

SOME time I hope to review, by way of impression, my relations with the senators of the United States during my period of office. Each had his virtues, and as I grew more intimate with all of them, their faults were hardly worth mentioning. But just now, although such review would be a labor of love, it may not be attempted. Nothing other than types can be recorded here.

When I first gazed down the center aisle of the United States Senate I saw before me a tall, stout, round-faced, smiling gentleman of the old school. I soon learned that he was John Hollis Bankhead, from the State of Alabama; but I did not learn that he had been in the Confederate Army until he and Knute Nelson, of the G. A. R., locked arms and went out to see a military parade. The animosities of the Civil War speedily died out between those who had faced the conflict. The great difficulty in the North was that so many men did not get mad until after the fight was over. But in all after years, they made up by noise and confusion what they lacked in courage when there was need for them to show their devotion to

YOUR BUSINESS

the Union. But real soldiers soon forgot and soon began to have genuine respect, and, in time, an affection for one another.

Senator Bankhead was greatly interested in inland waterways, and, as the chairman of the Senate Committee on Post-Offices and Post Roads, he became wrapped up in the question of national highways. He perhaps had more to do than any other one man in securing the appropriations made by the Congress for good roads.

An amusing incident of his career consisted in the controversy between himself and Senator Martin, of Virginia, chairman of the Committee on Appropriations, when Bankhead was urging a large annual appropriation for highways and Martin was resisting it on the score of economy. Martin finally said: "How are you going to get the money to build these roads?" Bankhead replied: "That's your business. You are chairman of the Committee on Appropriations. It is none of my business where the money comes from; it is my business to get the appropriation for highways." The humor of the situation struck the Senate and, of course, the appropriation was made.

Indeed, it is remarkable how appropriations are made. There is a quite current belief that if a man steals enough he can go scot-free; that it is only the moderate-minded thief who ever gets into trouble.

And as I watched the appropriations during eight years in the Senate I concluded that that cause was utterly foolish which came down to the Capitol asking less than a half-million dollars. Small items were scrutinized with a microscope and large ones were taken as a matter of course.

I well remember one day that the Senate spent three long hours discussing an item in an appropriation bill, of seventeen dollars and fifty cents, an appropriation made to an employee in some one of the government offices in the city of New York. It is the custom to pay certain compensation to a government employee injured in the line of his duty. This man was a roustabout, with a set of false teeth. A fellow employee, in some way, swung a crane, struck him in the mouth and broke his false teeth. It cost him seventeen dollars and fifty cents to have them repaired, and he presented the bill to Congress for damages sustained in the course of his employment and in the discharge of his duty. After wrangling for three hours the Senate finally allowed the seventeen dollars and fifty cents. The next item in the bill, as I now remember it, was for two hundred and fifty thousand dollars to investigate and eradicate something that had already been investigated and has not, up to this time, been eradicated. Nobody raised a protest.

THE PORK BARREL

Senator Bankhead's interest in inland waterways arose, of course, over the large streams in Alabama. These appropriations for rivers and harbors have been for many, many years, sources of comment, criticism and irritation, not only in the Senate but among the people at large. The bill is commonly known as the Pork Barrel Bill. The people have a pretty general idea that these appropriations go through by a species of log-rolling, because there are a sufficient number of legislators who have rivers or harbors in their districts, so that when they get together, they are enabled to make the appropriations.

Much criticism has been indulged in and many suggestions have been made that these appropriations are not altogether honest. I, myself, think that the greater part of them is wholly unjustified under the general welfare clause of the Constitution or under any other principle of government, but I can not go to the extent of holding that those who have urged these appropriations have been insincere, or have had any desire to obtain from the general government sums of money which they did not believe were being used for the good of the people. No one could long associate with Senator Bankhead and have the slightest doubt that in everything he said and did he was actuated by the very highest of motives, and believed (even if he were mistaken) that he was serving his

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country well. Some of these discussions with reference to inland waterways furnished me much amusement.

Hundreds of thousands of dollars were expended on Trinity River, in Texas. Desperate efforts were made to have a navigable river from Dallas to the gulf. It is a little bit of a stream which in dry weather can be waded by a five-foot man without much danger of wetting his knees. It was frankly admitted that there was neither rainfall nor tributaries which could furnish sufficient water to give a permanent six-foot channel up to Dallas. And yet so obsessed were certain engineers with the inland waterways idea, that they placed on record that at the head waters of the Trinity there was artesian land, and that, in their opinion, an artesian well could be dug to furnish water to run the river. I do not know what is now being done with Trinity, but I hope they are not yet digging the wells.

The mentioning of Trinity River calls to my mind another incident with which it was connected. I had a pastor in my country town in Indiana, who had arrived at the ministry by way of the Salvation Army, and who desired to pass on into the United States Army as a chaplain. I asked Secretary Garrison if there was a vacancy in the quota allotted to Presbyterians. He told me there was; thereupon I

WHERE IT ALWAYS WAS

asked him to appoint my friend to the place. He said he would, but that the preacher would have to pass an examination. As this young man was a graduate of my college I thought he could pass any examination and accordingly had him come to Washington. Some few days afterward my telephone rang and Secretary Garrison, or his secretary (I do not know which), informed me that my friend could not be appointed; that he could not pass the examination. I asked what was the matter, and he said: "Listen to this! Question: 'Where is the Trinity River?' Answer: 'Trinity River is where it always was, and if my regiment should ever reach its banks I would hold religious services with as much zeal and fervor as though I were on the banks of the Jordan.'"

"Well," I said, "you better appoint him or I will call for those questions and answers and we will see what the Congress thinks about examining a preacher on geography!" They evidently concluded to suspend the ruling, and appoint him.

He got into the World War and was up in the trenches. When he came back he said: "I may need your services in order to avoid being unfrocked in the Presbyterian church." I asked him what was the matter. "Well," he said, "when I was in the front and men were dying, I gave the Protestants the consolations of our church; I listened to the confession

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of a dying Catholic boy and assumed the right to administer to him Extreme Unction, and to the Jew I gave the consolations of his religion. I am a Scotch Presbyterian, but in the presence of death I felt it my duty to give the dying man that hope of immortality upon which his faith had taught him to rely." I said: "Sandy, I am proud of you! We'll go out of the church together, if it be necessary!"

On another occasion when these appropriations for rivers and harbors were up, the controversy arose with reference to an item for the Grand River, in Michigan. Senator William Alden Smith was for the appropriation; Senator Theodore Burton, of Ohio, was opposing it. The controversy waxed warm, Burton insisting there never had been a two and one-half foot depth in the river, and never could be, until finally Smith said: "Well, you are the man to whom, when you were in the House of Representatives, we gave a dinner in Grand Rapids, and you came back and introduced the first appropriation for this river."

"Yes," Burton replied, "I know that is so. You gave me a dinner there, and after the dinner was over I saw water where there was no water; but I'm sober now. I have reformed, and am against this appropriation."

The real truth about these appropriations is that certain legislators imagine that over a vast extent of territory, such as the United States, we can have

WHEN HE WANTS IT

water transportation as it is in Germany, Belgium and France. We never stop to consider the difference in our forms of government, nor the difference in the extent of territory, nor the difference in the people.

As in his public affairs, so in his private life the American rarely prepares himself for the future. He is wholly unwilling to have anything transmitted to him by water that he can get by rail. It irks him to wait the slow process of freighting when there is an express car coming to his town, and if somebody will soon discover how to deliver by aeroplane, that is the way he will obtain what he wants. He never wants it until he wants it, and when he wants it, he wants it at once. The farmer does not look over his machinery in the winter time to ascertain what it needs in the way of repair, but waits until a week or ten days before he needs it and then telegraphs for the repair parts to be sent by express.

The whole history of waterway improvement is this: that traffic lessens as improvement increases. The better the waterways become for transportation of products, the less are they used. Now this, of course, was to some extent brought about by the condition of the old Interstate Commerce Act which authorized railroads to meet water competition. And, so, as rapidly as the rivers were dredged for transportation, the railways cut the rates and destroyed the river traffic as much as possible. I know of one point

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on the Ohio where it was cheaper to ship supplies by the railroad and haul them by motor truck from the nearest station to the town, a distance of twenty miles, than it was originally to send them direct to that town by the river.

The Cummins-Esch Act, as I read it, authorizes the Interstate Commerce Commission to rectify this wrong. It is to be hoped that in time these great inland waterways will be used for the transportation of heavy products that are not immediately required for consumption. When that time comes there will be a little more judgment used in the appropriations that are made for their improvement.

So valuable were the services of Senator Bankhead in the interests of good roads, that one of the main arteries of this country has been named for him. When he died he left behind him an unsullied reputation, a record of painstaking labor in the Senate of the United States, and best of all, he left with his associates the feeling that a friend had passed from mortal sight.

Perhaps no state in the Union, save Mississippi, had two such totally dissimilar senators as the state of Arizona. Senator Ashurst—young, enthusiastic, reared on the ozone of the West, pathfinder, willing to try almost any experiment in government, lovable and brilliant; while his associate, Senator Mark Smith,

TOO MANY FOOL LETTERS

a lawyer and a Democrat of the old school, yielded grudgingly to the new ideas. One ready to try anything; the other doubtful whether anything new was worth trying. Yet between them there was the warmest personal friendship.

What we mean by calling a man a character, I hardly know. Perhaps we intend to imply that he is different from ourselves and different from the large body of mankind. If that be true then Senator James P. Clarke was a character. There was no finer lawyer in the Senate of the United States. He knew great principles, and he had the ability to present his ideas with great clarity. He was the only man in all my experience who had the newspaper fraternity scared. He would not see or talk to a reporter, and it was only a new man in Washington who dared to approach him with the idea of obtaining either information or his views on public questions. He was a real independent and a real believer in representative government. He did not believe that his constituents had a right to annoy him with suggestions or requests for information.

The story is told, and on good authority, that when he was making his canvass for reelection some man in the audience rose, and said: "Senator, why didn't you answer the letter I wrote you?" His reply was: "I have already answered too many fool letters that

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have been sent to me from Arkansas, and when I am reelected I do not propose to waste any time answering every fool who writes me."

He had a narrow squeeze, but he was reelected; unfortunately for the Senate and for constitutional government, he did not live out his term of office.

His associate still graces and adorns the Senate—Senator Joseph T. Robinson. A man of brains and capacity, he is far more of the politician than was Senator Clarke. He resigned his seat in the House to be inaugurated governor of his state and twelve days afterward was elected senator. Whether this was a great honor to him or disclosed the poverty of brains in Arkansas has not yet fully been determined. He is a very great debater, and while I was unwilling, at many times, to view with any satisfaction the possibility of his reforming the ancient doctrines of the Democratic party, I always listened to him with delight and gave him the credit of believing that he was honestly impressed with the views he was promulgating. I was somewhat surprised that the National Democratic Convention of 1924 did not turn to him as a compromise candidate.

The senior senator from the state of California was George C. Perkins. His age and his infirmity were such that I was unable to form any opinion of him other than that of a kind-hearted man.



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Senator Lodge buying Liberty bonds from Vice-President Marshall

IF SPIRES POINTED TO GOD

The junior California senator—John D. Works—was born in Indiana. He had been, to my knowledge, while in the state of Indiana, a lawyer of unusual ability. He had written a book on practise that was considered not only accurate but illuminating. When he moved to California he was elevated to the bench and subsequently to the Senate of the United States. He was an ardent Christian Scientist and that fact, in and of itself, disclosed him to be a man not only of strong convictions but one who had the courage of them. Christian Science had not at that time passed the period of either severe criticism or good-natured joking. Yet I listened to him read, for three hours, an exposition of his cult, and admired him for the doing of it. How I wish that in this little life of ours we could acquire a philosophy by which we could be quite sure about the things we believe ourselves, without also acquiring the habit of vilifying and abusing the faith of every other man who holds to some other creed! How I wish it were possible that spires might point to God and not to man! The career of Senator Works was not brilliant but it was thoroughly honorable and trustworthy, and he “wore always upon his bosom the white lily of a blameless life.”

Colorado was at this time represented in the Senate by the Honorable Charles S. Thomas. He was

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and is a Democrat of the old school. There are great principles of government in which he believes and he was always unwilling to yield the principle for any mere temporary expediency. It was a source of great delight to hear him discuss a question. Not one man in a thousand is able to write as pure English as he can speak. Even rarer yet are the men who can talk without the necessity of revising their remarks for publication. Senator Thomas was one of these remarkable individuals. His English was as pure as any Addison ever wrote; his style clear and lucid. He had both a sense of humor and the power of sarcasm. I never saw him thrown off his balance save once, and that by Senator Brandegee, in an executive session of the Senate. An appointment was up for confirmation, and Brandegee said he supposed it might as well go through, although the man was a two-spot. Thomas asked him what that was, and the reply came back that as he had been voting for the confirmation of two-spots for five or six years, he ought, by this time, to be acquainted with the term.

His associate was Senator John F. Shafroth, justly known in the annals of public service as "Honest John." He was a member of the House of Representatives when a contest was filed by his opponent at the election. It was a Democratic House and beyond doubt he might have held his seat, but he carefully

A MIRACULOUS CODE

reviewed the testimony in the case, became convinced that he was not elected, rose in the House and said so, and yielded his seat to his opponent. Such a splendid exhibition of integrity seems to be, however, more honored in the breach than in the observance. He was far more likely to let his head get away with his heart, than was his associate. Yet he performed a work which to me seemed a miracle.

As the head of the Committee on Porto Rico and the Pacific Islands he presented a code of laws for the government of Porto Rico. It was at the time when the prohibition question was intensely rampant. Senator Martine, of New Jersey, was bitterly opposed to turning the morals of a people over to the whims of a Congress, while Senator Shepherd, of Texas, felt sure that if Congress did not look after the morals of the people, the whole nation would degenerate into two classes—the immoral and the unmoral. Each was anxious to know about this code—one desirous for prohibition, the other opposed to it. Shafroth succeeded in convincing both of them that the code accomplished the purpose each had in view, and his bill went through.

With my old-fashioned notions of government I, of course, was not in accord with many of the modern movements championed by Shafroth, and yet, now that he is gone, his character stands out in such bright

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relief that I forget the things he stood for to which I, myself, was opposed.

I have just mentioned Senator Frank B. Brandegee, of Connecticut. He was a character so unique as at once to challenge attention. Endowed by nature with both brains and a capacity to express what he thought, educated and cultured, an irrepressible Republican, he came nearer being an old stand-pat Democrat than any one I have ever met. He was opposed to every reform, believed in the old system of government, and if you could have extracted from his system the New England idea of protection, he would have traveled well in the company of ante-bellum Democrats. And yet he would have bitterly denied this statement and have claimed that he was merely a stand-pat Republican. Maybe he was, and I have not sufficient discrimination to determine. What was the particular occasion of his antipathy to President Wilson I never knew, but it was there, and perhaps was the greatest proof he ever gave of his loyalty to the Republican party. He had a biting and incisive tongue, and he spared not, when he desired to express an opinion. Frank as he was on the floor of the Senate, he was equally frank in the cloak rooms, and never sought to shield himself behind the privileges of the Senate. As a sample of his cutting irony, when President Wilson asked for the passage of the Daylight

REGULATING HEAVEN AND EARTH

Saving Law, I heard him say: "Great Heavens! Having regulated the earth, is he now taking charge of the solar system?"

The president, *pro tempore*, of the Senate was the Honorable Willard Saulsbury, of Delaware. He had perhaps the most distinguished ancestry of any man in that august body. His father and his uncle had each, in their day, served the state in the United States Senate, in addition to filling other important offices. He was thoroughly grounded not only in the principles of the Democratic party and the theory of our government, but was versed in international law as well. His wife was a du Pont, and together they constituted a couple whose hospitality was always charming. Had Senator Saulsbury represented a more important state in national affairs I feel sure he would have appealed to the Democratic National Convention as a safely conservative prospect for president, and yet I have always thought that his great talents would have been put to their best use could he have occupied the position of secretary of state.

One of the coming men in national Democratic politics, as I saw him, was Senator Nathan P. Bryan, of Florida. Logical and painstaking in the presentation of every question, always level-headed, I looked to see him go far. But unfortunately he brought down upon his head the ill will of the owners of papers and

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periodicals of the country because he insisted that they ought to pay the government at least the cost incurred in transporting their publications through the mails. On top of this he added to his crimes in Florida by standing against the mixing of religion and politics, and so he was defeated for renomination. He has been elevated to the Federal Bench which, as I know him, he surely adorns. But active politics lost much when he passed from one branch of the government to the other.

Without disparagement of other members of the Senate I think I would have unanimous agreement on the proposition that Senator Augustus Octavius Bacon, of the state of Georgia, was the finest representative of the old school of statesmanship in that body. To him the Senate was as sacred a place as is the church to a devout Roman Catholic. It was not a place for laughter or for frivolity. It was a spot where men should take off their shoes, for they were standing on holy ground. And this was not mere dignity on the part of Senator Bacon; it was a lifelong conviction that what had been known as the greatest deliberative body in the world should conduct itself with proper decorum. I think he liked me personally but wholly disapproved of me officially. I believe he would have joined me with great glee at a vaudeville entertainment, but he would not have wept had I

BELOW THE SALT

broken a leg and been compelled to resign. Dignity, propriety, precedence—these were his shibboleths. A Democrat, somehow he thought that office was entitled to respect. Among the amusing incidents of his career, and typical of his attitude, was a long communication which he wrote to one of the Washington newspapers on social precedence because his hostess of the night before happened to seat him “below the salt.”

Then, as now, the state of Idaho was represented by William E. Borah. For no man in America have I greater admiration and for few greater affection. I have many times heard fall from his lips specimens of oratory which, if they had been uttered by Cicero, or Webster, or Burke, would have become the common heritage of the schoolboy of to-day for declamatory purposes. No man has higher motives for public good than he has. A Republican, he advocates about two-thirds of the time, what I consider to be Democratic principles. I know he will take it in kindness because he believes in my friendship: from my standpoint he has one fault of genius—now and then he permits his enthusiasm to overshadow his logic; but these instances are so rare as scarcely to be worth mentioning. If I shall conclude to touch on the discussion of the League of Nations, there is much more to be recalled out of my delightful association with Mr. Borah.

CHAPTER XXII

THE affection of a people for their politicians is much like the affection of a marrying man for his wives. People seem to like to be represented by wholly dissimilar characters. The state of Illinois would have had great difficulty in selecting two other men who were as far apart as James Hamilton Lewis and Lawrence Y. Sherman.

Lewis was dapper, courteous, always smiling, brilliant in debate, perhaps the greatest dandy that the Senate ever knew, and at the same time the idol of the longshoremen of Chicago.

Sherman had none of the graces of polite society, but he had a tongue swung in the middle and sharp as a Damascus blade.

It detracts not at all from my admiration of the remarkable forensic and literary attainments of Senator Lewis here to record an amusing incident in the line of debate.

The immigration bill was up and the literacy test under consideration. Lewis, as representing the large foreign-born population of the city of Chicago, was opposed to this test. In his delightful and charming

FACT OR FICTION

manner he was calling to the attention of the Senate many of the men of the world who, without scholastic training, had made of their lives great success and accomplished good things in the world. In the course of these illustrations he referred to Napoleon's favorite marshal, Murat. He declared him to be a man without any schooling whatever. He claimed he was a mere pastry cook, and that without any of the advantages of education he rose to be the great Napoleon's favorite marshal.

While Senator Lewis was elaborating on this subject I noticed John Sharp Williams snap his fingers for a page, saw the page leave the Senate Chamber and return shortly with a volume, which he handed to Williams. When Lewis had concluded his remarks Williams rose and said that he desired to read into that veracious volume, the *Congressional Record*, the following from the biography of great men. He read, in substance: Joachim Murat, born so and so, educated for the priesthood, . . . with full details and sat down. Promptly Senator Lewis rose and said the biography was entirely incorrect; that he had made a study of the life of Murat and had written a brochure on the subject, which he would be pleased to lay on the desk of the senator from Mississippi, to which Williams laughingly replied: "Lay it there, James Hamilton! I read fiction sometimes."

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I thought in the palmy days of my immaturity that I had some slight knowledge of the English language and that I could say things that would wound. But I was a mere kindergarten pupil in the school of invective, in comparison with the post-graduate course which Senator Sherman had taken in that study. When he dressed people down, certainly no finer job ever was done. And one who simply listened to him in the Senate might well have believed that he had a heart of gall and bitterness. Such, however, was not the truth. There lives nowhere a kindlier, sweeter soul than Lawrence Y. Sherman. His heart is full to overflowing with tender sentiment toward his fellow-men. He is a lesson to all of us not to judge a man by what he happens to say in the heat of debate.

I do not know whether I have anywhere recorded this incident, although frequently I have told it. A measure was pending for the inspection of wheat by the government to which Senator Sherman was opposed. He took the floor at two o'clock one afternoon and talked until six. He resumed the floor at the same hour the next day and talked until six. The third day he repeated the performance. We happened to pass out of the Capitol together and the senator said to me: "You don't know how I hate to talk!" I replied: "Senator, you have misinterpreted the rules. They do not say you shall talk; they say you

REDUCING THE OVERHEAD.

may talk." "Yes," he said, "I know that, but I must get my views before the farmers of Illinois. I think I shall be able to conclude my remarks to-morrow." "Why, Senator," I exclaimed, "you don't imagine that any farmer in Illinois is ever going to read that speech of yours!" He said: "Certainly; why not?" "Well," I said, "I think I know something about what people read; about how much they will stand; and if it is your real desire to have the farmers of Illinois read that speech it will be necessary for you to get a compulsory educational law in Illinois requiring every farmer to attend the University of Illinois; after which you will have to get the regents to adopt your speech on economics; in that way you will get the farmers to read it, but never otherwise." He seemed to be surprised at my view of the matter.

I doubt whether one in every thousand of the speeches that are sent out from Washington is read. Invalids who have exhausted the detective novels in the library and men on the verge of madness and contemplating suicide, may screw their courage up to read these long speeches, but I doubt if any other people do so. The overhead of the American people would be reduced about ten per cent. if in all the walks of life speeches were merely heard and were not printed and circulated. The only person I ever heard of who really liked them, was a hermit in Arkansas

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who is said to have written inquiring whether they had any more speeches about dead congressmen; that if there was anything in the world about which he liked to read, it was a dead congressman. And it was his neighbor who ordered so many cow peas from the Department of Agriculture as to excite curiosity. On investigation, the Department found they were not being planted but eaten.

Indiana was at this time represented by Senators Shively and Kern. Senator Shively was one of the finest specimens of physical manhood in the Senate—tall, commanding, of striking appearance, and his brain was as large as his body. No man in the Senate had a more profound knowledge of both the tariff and the shipping industry of the United States. He was also deeply versed in international law; a great orator and a great logician, and when he spoke his words commanded careful consideration.

Senator Kern was made the leader of the party in the Senate. He had long been the idol of Indiana Democracy. He was strong in debate, gentle as a woman in his relations with his fellow-men, full of good ways and good works. He had a weakness for the telling of stories, and he told them in an inimitable way. He had to pay the penalty for this rare gift. If instead of smiling he had frowned, he might have gone much further, but it will be a long, long time

THE WHITE HOUSE
WASHINGTON

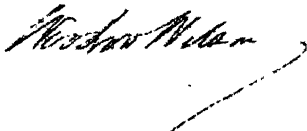
29 December, 1917

My dear Mr. Vice President:

Your messages always ring so true and always have so delightful a flavor of their own that they give me peculiar pleasure, but most of all because they express your generous friendship and give me so much encouragement and cheer for the day's work, and the work of all the days. I thank you from a very full heart.

With the best wishes for the New Year,

Cordially and sincerely yours,



Hon. Thomas R. Marshall,
The Vice President.

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Red
Night Letter	N. L.

If name of station three symbols appear after the check number of month (day-night message). Check number character is indicated by the symbol appearing after the check.

WESTERN UNION

TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE PRESIDENT

Form 1004

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Red
Night Letter	N. L.

If name of station three symbols appear after the check number of month (day-night message). Check number character is indicated by the symbol appearing after the check.

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8W MH 30 CABLE

PARIS

THE VICE PRESIDENT

OF THE UNITED STATES WASHINGTON

WOULD APPRECIATE IT VERY MUCH IF YOU WOULD ACT AS

MY REPRESENTATIVE AT THE FUNERAL OF COLONEL ROOSEVELT WARMEST REGARDS

WOODROW WILSON

905AM

THE WORDS FLOW ON

before the Senate finds a more popular, a more useful, a cleaner and an abler representative than was John W. Kern.

The senior senator from Iowa was Albert B. Cummings. He has perhaps as intimate knowledge of the problems which vex the railroads of America as any man in the land. Regardless of what any one else may say about it, I give it as my opinion that in all his dealings touching Interstate Commerce he has had no motive save that of the highest patriotism and the finest justice to owners, operators and patrons of the railroads. He was careful and painstaking in the presentation of every question and consequently consumed considerable time.

Now, one of the remarkable things about the Senate of the United States is its never-ending discussion of the question of cloture. As far as I know it is the only legislative body in the world that has no power to bring debate to a close save by unanimous agreement. Like Tennyson's brook, the words flow on forever, and yet this question of cloture is perennial. After a particularly long and vexatious delay in either passing or defeating a measure, cloture again bobs up. It was thought at one time that it would be accomplished. Senator Underwood presented a rule whereby a senator should be permitted to speak one hour, and no more, on a bill and, as I now remember it, fif-

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teen minutes on an amendment. Senator Cummins endeavored to amend the rule by increasing the time to twenty minutes on an amendment, saying in the course of his observations, that frequently the amendment was of more importance than the bill itself. He gave his assent, however, to the theory that a man could say everything that was valuable on the bill itself, in an hour. I kept time while he was discussing his proposed change from fifteen to twenty minutes and found that in advocating it he had consumed two hours and thirty-five minutes.

His associate was William S. Kenyon, a young man of the newer Republican ideas. Bitterly opposed to corruption and every manner of evil, he was constantly engaged in altercations with the old-style politician. The Senate was not a pleasant place for him. While he had the heart of a reformer, he had a judicial brain and, therefore, when he passed from legislative halls to the bench I think he contributed to his own peace of mind. Brainy, courageous, and dangerous in debate, the charm of his manner was such as to make his opponents his friends.

CHAPTER XXIII

SENATOR WILLIAM O. BRADLEY, of Kentucky, was one of the old-time lawyers who had very definite opinions upon public questions and never hesitated to express them. He had withal a certain sense of humor. Delivering a speech against the prohibition amendment he found his auditors reduced to eight or nine senators and myself. The next day I was much surprised to find on my desk a quart bottle of Kentucky Bourbon whisky, presented by the senator as a token of his appreciation of my "courtesy" in having listened to his views on that dry question. I learned later that all who had sat it out were similarly remembered. Genial and whole-souled as he was personally, he was ruthless in politics, and had he lived in Germany would have been a fine member of the Junker class.

Ollie James, his associate, was both physically and intellectually one of the big men of the country. He sprang into immediate prominence after presiding over the Democratic National Convention at Baltimore in 1912, and was one of the great admirers and staunch supporters of President Wilson. While never completely avowed, I think he felt as I have always

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felt—that so-called civil service reform oftentimes degenerates into “snivel” service reform. There are so many ways to avoid the provisions of the law that the party in power can ordinarily control the offices, but unfortunately can not control them with the best men at its disposal. For purely clerical jobs Civil Service is all right. But for any position where a man has to take the initiative and decide the policy, an administration should have its friends and not its foes. I have always had a friendly feeling for Andrew Jackson. There is a story to the effect that he was one day informed that a certain Whig official should not be removed and a Democrat placed in his stead; that the Whig was essential to good public service. Whereupon Jackson is reported to have replied: “If there be an office in the Republic that a Democrat can not fill, let’s abolish the office.”

To a certain extent I think Ollie James responded favorably to this sentiment. I remember on one occasion that a bill was up which called for the appointment of additional revenue officers—the prohibition question was then becoming acute—and that it was attacked by Senator Lodge, who made an effort to amend it so that the additional officers should be appointed under the Civil Service. I have never forgotten the substance of Senator James’s reply. It was to the effect that if in the North there was a desire to have

WANTED—A GOOD SHOT

some pale, pimply, anemic, undergrown college graduates assume the responsibilities of these offices, he had no objection; but in the country whence he came, with the people these officials were to watch, what was wanted was not a college graduate, but a graduate of a shooting gallery.

The death of James, in the full flush of his manhood and in the splendor of his intellectual attainments, was especially distressing, if I am correctly informed, because he suffered from no actual disease. He really died, as I was told, from mental suggestion. If any one doubts that there is a soul, observation of humanity ought to remove the doubt. Bodies do not speak for the souls that are assumed to be within them. Mental and moral courage are not measured by adipose tissue, nor do physical and moral courage run together; nor are men physically afraid of the same things.

Long years ago, in Fort Wayne, there was a judge who was of enormous proportions, abdominally speaking. The prosecuting attorney of the district was the brother of Gene Stratton Porter. Like many of the men of that time, he was the victim of intoxicating liquor. In some way trouble arose between the judge and Jerome Stratton. Taking a drink or two Stratton walked into the court room one day, with a revolver in his hand, and approaching the judge, threatened to

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shoot him. The judge never quailed, came off the bench, grabbed Stratton's hand, jerked the revolver from it and kicked him down-stairs. A few days afterward, under like conditions, Stratton returned with a butcher knife, threatening to open up the judge. The judge grabbed his abdomen, bolted down the back-stairs and ran for his life. From which arose our northern Indiana aphorism: "Go for a fat man with a knife, but take a revolver to the lean one."

I have long felt that the prejudiced opinions which are being expressed, touching the prominent characters of the war period, are adding nothing to the sum total of human knowledge and are quite likely to jaundice what ought to be the healthful pages of impartial history. Who really is to say what prompted the conduct of Henry Cabot Lodge? Who has the power to penetrate into the hidden motives back of his record, during and after the war? Were he and President Wilson simply antipathetic? Was either one of them influenced by the pride of authorship? Did Lodge object to anybody getting between him and the sun? What was it? Mayhap it will all sum itself down in the end to the statement that it was just human nature.

I listened six or seven times to the reading of President Wilson's admirable article in favor of the isolation of the American people. I listened as many times

IT HAS BEEN SAID

to the reading of Henry Cabot Lodge's commencement oration in favor of a League of Nations; and when I felt myself pretty thoroughly informed on these two great public documents, I retired to the cloak room one day when a senator began to read them again, and told the story of a northern Indiana judge and a city lawyer.

This judge was distinctly inimical to gentlemen who came to his town to tell him what was the law. He did not like them. On one occasion, a commanding figure, from Fort Wayne, entered his court and when his case was called rose, roached back his hair like John C. Calhoun, and said: "May it please the court, it has been said," and that is as far as he got. The judge cracked his bench with his closed fist, and said: "Who the devil cares what has been said? What have *you* got to say?" And I announced that I proposed to vacate the chair whenever anybody again wanted to read to me from either President Wilson or Henry Cabot Lodge. And this was one of the few promises I made that I kept.

I doubt whether the president and Lodge were ever in accord save on one occasion, and that an amusing one. Somebody conceived the idea that this country ought to have a Society of the Immortals, as in France, and so a bill to create such a society was introduced in the Senate. It contained the names of

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Woodrow Wilson and Henry Cabot Lodge, and was in especial charge of Lodge. The senators who dared, had a lot of fun with the bill by moving to strike out one name and insert Laura Jean Libby; strike out another name and insert Alexander Dowie; strike out another, and insert Jack Johnson. But, after all, the bill finally was passed. When it came from the engrossing room the Senate was operating under a Unanimous Consent Agreement. The legislative procedure is for the vice-president, when he signs a bill, to announce his signature to the Senate. So when this bill came from the engrossing room I let it lie on my desk. Soon the sergeant-at-arms came to me and wanted to know if I had signed the bill. I told him no; that we were acting under Unanimous Consent Agreement. In a little while the secretary of the Senate came and said he had received a call from the White House to know if the bill had been signed. I told him no. Shortly after another similar call came. Then I proceeded to investigate, to learn whether it was desirable to break a Unanimous Consent Agreement in order that the bill might be signed. I found out that one of the immortals was waiting at the White House to see the president affix his signature to the bill, and that he wanted to return to New York on the three o'clock train. I sent him word, over the telephone, that he could go on the three o'clock train,

NORTH MEETS SOUTH

the bill would not be signed, and I hoped he had Christian faith enough to believe that if he were killed on the way to New York he would nevertheless be immortal.

Knute Nelson, of Minnesota, was one of God's great gifts to the world—an honest man, honest personally, officially and intellectually. A native of Norway, he fought on the Union side in the war, and, like all fighting men, when the war was over his hatred was gone. To me it was a beautiful thing to see Knute Nelson and John H. Bankhead—the North and the South—foregather, as they often did, and speak with deep respect each of the other's standpoint.

Of all the men I have ever known, John Sharp Williams had the most intimate knowledge of world history and world politics. At a moment's warning he was ready to defend the principles in which he believed and to fortify them with historic illustrations. His speeches were always luminous and entertaining, and the records will disclose among them some of the most brilliant passages in English literature. He had also the courage of his convictions. He sat across the aisle from Senator LaFollette.

When the resolution touching the speech which LaFollette made during the war and which was made the basis of an attempt to expel him from the Senate, came to a hearing, Williams rose, looked LaFollette in

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the eye, and said, in substance, that he was disloyal to his country; that he was not in sympathy with the allied cause; that he ought to be expelled from the Senate of the United States, but that he would not be because the Republicans needed his vote, and because certain weak-kneed Democrats were unwilling to do their duty, and that he hoped to live to see the time when the Republican party would say: "Why didn't we put him out when we had a chance?"

John Sharp Williams is living, and I rather suspect has seen the travail of the other man's soul and is satisfied.

His associate in the Senate at that time was James K. Vardaman. They had no love, and I doubt whether they had any respect for each other. They belonged to entirely different schools of Mississippi politics. For a long time, I said I knew how Williams and Vardaman would vote on a bill: That if Williams voted "Aye," Vardaman would vote "No"; if Williams voted "No," Vardaman would vote "Aye." Williams was afflicted with deafness, and consequently often thought he was entitled to the floor when he was not. On one occasion I had to tell him he was out of order, and he went out of the Senate, evidently angry. Very shortly afterward I had to treat Senator Vardaman the same way, and he, too, went out

COMPLETE AGREEMENT

in anger. Then I left the chair and went to the Democratic cloak room and announced I had accomplished something that nobody else had ever been able to do—I had got Williams and Vardaman to agree on one proposition. Of course, there was immediate inquiry as to what it was, and I said: “They agreed that the presiding officer was a fool!”

CHAPTER XXIV.

SOME Chicago scientist pretends to have discovered, by experimenting on pigeons, that brains have nothing to do with the affections. I am not enough of a scientist to know whether the pigeon is comparable to the human or not. If he had experimented on chickens I might have had more faith in his scientific investigations. Nevertheless, the whole course of life really discloses that there is a vast deal of difference between the brains and affections of mankind. Mothers know their sons are altogether wrong—their intellects disapprove—but it does not change the affection for the child. The wife, if sitting on the bench, would send a husband to the penitentiary because she would be permitted to use only her brains; but instead of sending him to the penitentiary she puts him in the easiest chair in the house and flutters around him like an old hen with only one chicken.

I saw the same thing in the Senate of the United States. Men whose intellects clashed—the swords of whose genius, when they came together, threw off sparks which now and then caused a serious explo-

TALKED TO DEATH

sion—when the fight was over, would sheath their swords and let their affections hold sway.

While still inclined to express opinions, as I grow older I am less inclined to pronounce judgments. This, therefore, is merely an opinion; that it is a blessed thing for life that society is not controlled by the judgments of mankind. It is a good thing that affection holds sway in the affairs of men. I am led to the making of these observations by the relations I had with Senator William J. Stone, of Missouri. I could not approve, nor do I now approve, of many things for which the senator stood. Had it been a mere matter of intellectual concept we would have drifted far apart. But it was not that. Beneath the brain, which was a wonderful one, there beat a heart full of affection for his fellow-men. My intellectual relations with him were not at all pleasant.

The rules of the Senate have always required the presiding officer, to the best of his ability, to recognize the senator first addressing the chair. Under this rule it has been possible for a minority to organize what in common parlance is known as a filibuster; namely, talking a measure to death.

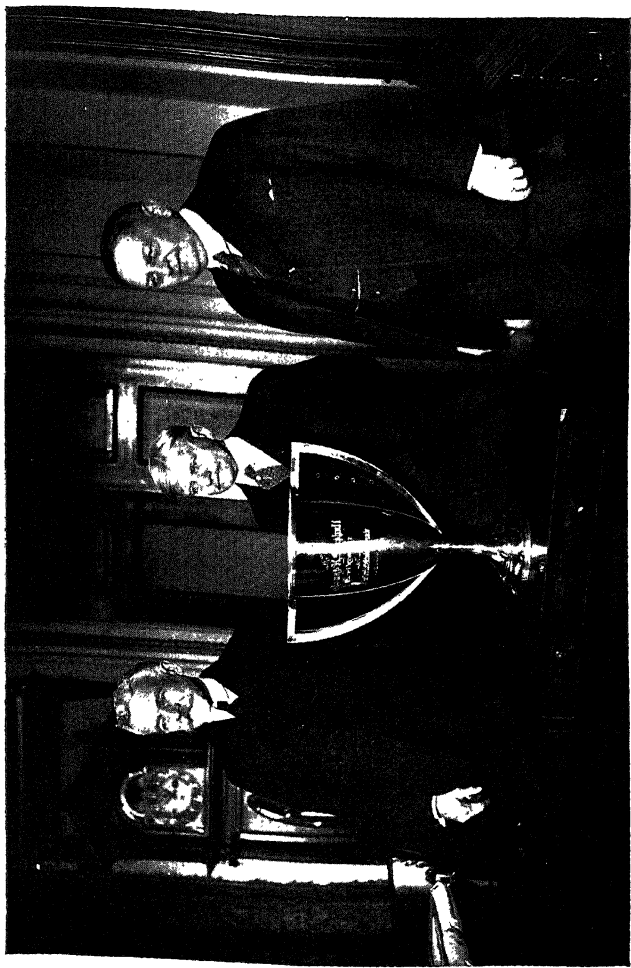
Shortly before I entered the Senate, Senator Stone himself had led such a filibuster. He read, as I now remember it, *Paradise Lost* and divers and sundry other works throughout one entire night. Then, when

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I came to the chair the Republicans concluded to filibuster a Democratic measure to death. Senator Stone, who observed that I was inclined not only to enforce but to obey the rules of the Senate, rose and gave me about the finest partisan dressing down I ever received. He said he hoped that some time the Senate would have a presiding officer like Tom Reed, who would take the bit in his mouth and do business, regardless of the rules.

After he had wasted an hour on me, he went into the Democratic cloak room, and I left the chair and followed him there. He was still excited, and when I asked him if I was not obeying the rules of the Senate he said, "Yes; but they ought to be broken." I then asked him what he would have thought had they been broken when he was filibustering a few months before; suggested to him that the rules of the Senate better be changed, rather than the presiding officer be asked to break what I conceived to be his oath of office. Stone thought that over for a moment and said: "I guess you're right." And from that time forward, regardless of disagreements in policy, he and I were the warmest of friends.

I have recorded in another place his unfortunate attitude toward our entrance into the World War. It was but another exhibition of the inevitable fact that so long as mankind runs the affairs of the world they



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Senator Lodge, Vice-President Marshall, Senator Underwood with the loving cup presented the vice-president by all the senators.

THE JUDGMENTS OF MEN

will be managed with all the passions and prejudices of the average human being. The judgments of the courts are but the judgments of the men who compose the courts; the wisdom of legislation is but the wisdom of the men who are the legislators; the enforcement of the law by executives is but enforcement in the way the executive believes it should be enforced. Pride of opinion and pride of authorship have done more evil in the world than they have ever done good.

If I could believe Senator Stone, his conduct was not that of one who sympathized with the German emperor. His conduct was provoked by what he thought a slight, imposed upon him as a member of the Committee on Foreign Relations by the president of the United States. Shortly before he passed into another and, as we believe, a better sphere of life, he called me into his office and told me that he wanted me to know what was the real reason for his conduct. He said he had sought to get the president to have all the neutral nations of the world serve notice on the belligerent powers that they must cease fighting and submit their controversies to arbitration, or the neutral powers would refuse to furnish them with any supplies whatever; in other words, that they would order an economic blockade; also to supplement this with the statement that they would furnish supplies to whichever of the warring nations were willing

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to submit to arbitration. He knew, he said, that Germany would not consent to such an agreement, and thus he hoped to bring all neutral nations of the world on the side of the allies and force a speedy peace.

I am not telling this for the purpose of arousing any controversy over the management of the war, nor certifying to it as having actually occurred. I am telling it as it was told to me, and only in the hope that no one will ever believe that William Joel Stone was an enemy to his country. As soon as war was declared, and until his life ended, he was for the war. And yet there were those who could not but suspect his good faith. I could not agree with him that the president should have adopted his plan.

I think we have definitely settled by a long course of procedure in the affairs of our government, that our international relations are in the hands of the president. His judgment must be taken, in the first instance. Of course, if it be not finally approved by the Senate or the Congress of the United States, that is a different thing. I believe that all our troubles have arisen from two facts: First, that a vast number of our citizens have not the slightest conception of the principle embraced in the Constitution of the United States touching our foreign relations and, second, that large numbers of them who do know the principle, are so sure they have greater knowledge

JIM REED OR A BUZZ SAW,

than the president that they let themselves be led into public discussion of international affairs. If I could only learn to mind my own business, attend to my own affairs, demand my constitutional rights and keep my nose out of the constitutional duties of other people, I should lead a far happier life. Anyhow, whether right or wrong, I loved William Joel Stone; had an intense admiration for his ability, and I have faith that when mistaken it was an honest and courageous mistake into which there entered no element whatever of disloyalty to his country.

His associate was that stormy petrel of American politics, James A. Reed. No man in the United States Senate had more natural ability. He was the greatest public debater to whom I ever listened. Personally, if I had my choice of running up against Jim Reed or a buzz saw, I should choose the buzz saw. On one occasion, in a friendly conversation with him, he admitted that when he rose to speak, as he proceeded he began to see red and so tintured with gall and bitterness the things he had to say. There are flights of oratory in some of his speeches which, clipped from much that is mere verbosity, might well go down in the classics of forensic literature. Nobody knows to a certainty what made him look on public questions as he did look upon them. I, of course, have a theory, but it's only a theory and can not be proved.

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He was at one time prosecuting attorney, when there was a very bad state of public morals in Kansas City. He proceeded to clean house. I know three or four instances of this kind where men have got a jaundiced view of public officials and public motives. They are quite likely to be for the prosecution all the while. Early in life I learned never to try a criminal before a judge who once had been prosecuting attorney. Such judges are perfectly willing to admit that the man is innocent until proved guilty, but they are going to see to it that he is proved guilty. If any young lawyer shall happen to read these words I warn him also, never to let sit on the jury a man who has been suspected of the commission of the same crime with which his client is charged. Such a man will invariably bolster up his reputation by seeking to convict the defendant.

I doubt whether there is a member of the Senate who is personally more highly esteemed or better beloved than is Senator Reed. I owe him, as I owe to all, an infinite debt of gratitude for the little nameless and unremembered kindnesses which made my life in the capital so pleasant.

Senator Reed has always had the courage of his convictions and that I think to be a fine thing in public life, although the convictions of the man may not be my own. What is honesty, I suspect would have a

OFFICE OR CHAIR

hundred definitions if put up to a hundred different men. There is no standard by which to gage it. I remember well an incident which taught me to take care of my own conduct and not be too censorious of the conduct of my fellow-man.

The Senate of the United States is a self-governing body and has adopted rules to govern its own procedure. It is not governed by the ordinary rules of parliamentary law as laid down by any of the authorities. This led to frequent embarrassment on my part in endeavoring to answer courteous letters which were sent to me because, while I knew but little about the rules of the Senate, I knew less about parliamentary law in general. I remember having received a letter from a woman's club asking for a decision on some question of parliamentary law. It seemed that they had three vice-presidents; that at the installation of officers the third vice-president had sat in the chair allotted to the second, and the second in the chair allotted to the third. The first vice-president had died. The inquiry submitted to me was: Did the third vice-president, because she sat in the chair of the second vice-president, automatically inherit the chair of the first? This inquiry I endeavored to answer by saying that it was the office to which the person is elected and not the chair he occupies that controls the situation. I was, however, no more cer-

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tain about this matter than I was about the following inquiry regarding social customs.

I was asked to determine who was the first lady of a certain town. A social feud had arisen over who was entitled to that honorable position—whether it was the wife of the postmaster or the wife of the county clerk. The county clerk's wife insisted that her husband had been elected by all the people of the county and that, therefore, she was the first lady of the town; whereas, the postmaster's wife insisted that her husband had been appointed by the president of the United States, and that she took precedence over the county clerk's wife. This question I refused to answer unless the two ladies would come to Washington and let me see them.

When the Armor Plate Bill was up, Senator Reed objected to Senator Oliver, of Pennsylvania, voting on the bill, on the ground that Oliver had half a million dollars stock in the United States Steel Corporation and was interested in the legislation. And Reed cited Jefferson's manual, to the effect that a legislator ought not to vote on a bill in which he had a personal interest. Of course, I was compelled to overrule the point of order and to announce that the rules of the Senate had no such provision, and that it was up to Senator Oliver, himself, whether he would or would not vote. The next morning Senator Oliver rose to a

WITH A SERAPHIC LOOK

question of personal privilege and, in substance, said he had been maligned and insulted by the senator from Missouri; that the senator had told what was not true touching his holdings in the United States Steel Corporation; that he did not take the trouble to ascertain the truth, which he might have obtained either by asking the senator himself, or by writing to the United States Steel Corporation; that he always voted his honest convictions regardless of any personal interest he might have in the result of a bill, and that he distinctly resented the charge of the senator from Missouri that he had a half million dollars' stock in the United States Steel Corporation. Then he cast a seraphic look over the entire Senate, and said: "It is not true. I have only one hundred thousand dollars of stock." No man who saw him at the time could doubt the honesty and good intention of his statement. Ever since then I have been kept busy trying to settle honest conduct for myself, and for nobody else.

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CHAPTER XXV

IF A man can not find out what is the truth it is better for him to believe that almost anything is the truth rather than to believe nothing at all. As no one knows whether either a pure or representative democracy can long endure, it stands to reason that one who believes in a representative democracy should have faith that it will endure. But a representative democracy has to rest upon the people who elect the representatives, and one of the amazing things to me in the Congress of the United States was how the voters made up their minds to elect as representatives men so totally dissimilar in thought and conduct; I mean voters in the same state.

Take, if you will, the state of Montana. The senior senator was Henry L. Myers. I never think of him without having a feeling of pride to have been associated with him. He was not a polished orator or a logical talker, but he had as fine a sense of justice as I believe ever abided in the breast of a man, and when he had once made up his mind as to the right or the wrong of a proposition, nothing could move him. Personal interest, party zeal—all went into the

STRANGE DIFFERENCES

discard. He stood for what he believed, and standing thus he brought his career to a close with only one term in the Senate. Other records will be far more luminous in the way of public debate and the glitter and glamour of public service, but no record will stand truer than that of Henry L. Myers.

His associate has since become a conspicuous national character—the Honorable Thomas J. Walsh—able lawyer, splendid debater, clean in manners and in morals, he nevertheless was, and is, a politician. He would have stood just as firmly for his convictions as did Myers, but he would have found a way to have stood for them and, at the same time, not to be immolated upon the altar of his ideals.

Nebraska furnished exactly the same strange difference between its two representatives; one, Gilbert M. Hitchcock, who had the long and losing fight on the League of Nations; a gentleman, scholar, long skilled in public life, a world traveler and a ready debater; shining alike in the Senate and in the social life of Washington; clean, high-minded and lovable.

At the same time the state had as its other senator George W. Norris, who had fought his way from poverty into the United States Senate; about whose honesty and sincerity no man can raise a question. But he never seemed to think that as he was suspicious of other men's judgments being colored by the lives

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they have led, the callings they have pursued and the associates with whom they have mingled, mayhap he, himself, might have been colored in the same way and that some of his judgments on his fellow-men may have been rather too severe.

Francis G. Newlands, of Nevada, was a far greater man than any one, that I ever heard, gave him credit with being. The great irrigation problems of the West had been thoroughly solved by him. He knew the banking and currency questions, and he had no small knowledge of our foreign relations. All Newlands lacked was the necessary appropriations to have made the desert blossom as a rose; to have controlled and conserved the waterways of this country, and to have accomplished the most colossal work in the material life of America, of which I know anything. But there are two points on which I advise those who go to Washington to beware—don't ask for too little or they will think you are a piker; don't ask for too much, because they know they can not give it to you.

Newlands' associate was that young and prominent Democrat, Key Pitman. As the years have gone by he has grown in the estimation of his associates, and his state has been wise enough to keep him in the Senate. I pin great faith on him, in assisting and leading the Democratic party back to some of its ideals, which now seem to have disappeared from the horizon.



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AN HONEST PROTECTIONIST

The senior senator from New Hampshire, and the Republican leader, was Doctor Jacob H. Gallinger. He taught me the great lesson of my life, up to the present, for I hope I have not yet passed beyond the time when I can learn something new. As an old-fashioned tariff-for-revenue Democrat, I had made up my mind that nobody except the man who was preying on the people could stand for a protective system. I had jumped to the conclusion, as I have said, that all those who stood for it, were directly or indirectly making money out of it. Imagine my surprise when I learned that Doctor Gallinger, who was the strongest protagonist of the system, was what I should call a poor man. I discovered that he believed in this system as honestly as I believe in mine; that there was nothing of personal interest involved in his principles, and with that strange metonymy which oftentimes makes captive the hunter, I found myself inevitably conforming to the placid life, the wholesome character and the genuine friendship of Senator Gallinger.

For me the most interesting man in the Senate at that time was James E. Martine, of New Jersey. He was another of those staunch rugged souls who would not permit himself to be swayed by either party advantage or personal interest.

Of course, the greatest Republican of them all was Elihu Root, of New York. It was always a source of

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very great delight to hear him argue a constitutional question. I have never forgotten when he warned the Senate of the so-called Progressive path it was taking, by saying, "Leg over leg, the dog went to Dover." I do not know what he thinks about it, but I believe the dog has arrived at Dover, and I am in hopes he will take a notion to go home again, "leg over leg."

His associate was that most lovable and gracious soul, James A. O'Gorman. To say that he was eloquent is not needful; his name indicates that. One of the happy days was when O'Gorman and John Sharp Williams crossed swords over the Irish question. Before the discussion was through I was quite satisfied of two things—one, that the Continental Army was composed entirely of Irishmen and, two, that there was not an Irishman in America at the time of the Revolutionary War.

Perhaps the best informed man on tariff schedules in the Senate, at that time, was Senator F. M. Simmons, of North Carolina. His speech was not pleasing but was always illuminating. He did not take advantage of the rules, to talk when he had nothing to say, and he became the joint author with Senator Underwood of the Democratic tariff legislation of 1913. He has been of immense value to his state and to his country.

His associate, Lee S. Overman, next to Senator

THE BLIND SENATOR

Claude Swanson, of Virginia, can get more things done and secure more offices than any man I ever knew. Candid, courteous, skilled in all the ways of legislation, Overman has such a way about him that it seems to be impossible to refuse his requests. His wife and daughters were as popular in the social life as he was in the public.

Ohio had two very great senators, Theodore E. Burton and Atlee Pomerene; the former a Republican, the latter a Democrat.

Senator Burton is not only a statesman and scholar, but has written a number of very creditable works. In the sunset of life he has returned again to the House of Representatives.

Senator Pomerene, in my judgment, is one of the very great lawyers and statesmen of America. Perhaps my mind turns to him because he still has the flavor and odor of the Democracy in which I was trained. He does not believe in any of these new amendments to the Constitution of the United States, and in due season his opinion will be justified by the experiences of the American people.

The senior senator from Oklahoma was Thomas P. Gore, known to the people of America as the blind senator. Gore was not only eloquent but he had also one of the most remarkable of memories, a characteristic I believe of most blind people. I heard him one

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day reeling off the figures of imports and exports of all the leading ports of the world, running into millions and coming down to cents. It interested me so that I consulted his secretary about the matter and was told that when a column of figures was once read to Gore, he could accurately repeat them.

His associate, Robert L. Owen, was perhaps one of the finest scholars in the Senate. He had a vast knowledge of banking and currency, was able and dangerous in debate, but in my judgment had been tinctured too greatly by what were called the progressive ideas of the West, though in my opinion they were revolutionary, not progressive. And things will have to get far worse than they are in America, before you can persuade the people deliberately to overthrow our ancient institutions. They prefer to bear the ills they have rather than to fly to others they know not of.

Senator George E. Chamberlain, of Oregon, was another of the forceful characters in the deliberations of that body. He was not only a statesman but he was a politician, for in some way, no difference whether Oregon was Democratic or Republican, Chamberlain could always be elected. He had a heart of gold, deep convictions and the courage to maintain them, even in the face of adverse circumstances.

His associate, Harry Lane, was a unique character.

GILA MONSTERS

Whenever he spoke he walked up and down the back of the chamber, as though it were impossible for him to think unless he was moving. He had a rare sense of humor, too; became utterly disgusted over the time taken in what he thought was useless debate and idle oratory. He knew that in the West the bite of the Gila monster paralyzed the vocal organs, and so on one of the hot summer days, when the talk was running on like Tennyson's brook, Lane circulated a petition in which the subscribers pledged themselves to pay the sums set opposite their several names to buy twelve Gila monsters and turn them loose in the Senate Chamber.

I had been trained in party government so long and was such a believer that, in the long run, the rule of a party was far better than the opinion of individual men, that perhaps my views of senators were clouded thereby.

I had nothing whatever in common with Senator Boies Penrose, of Pennsylvania. I did not believe in a single principle of government for which he stood. I thought that everything advocated by him was distinctly inimical to the best interests of the American people, but I had a profound admiration for him. He was no Pecksniff, no toady, no hypocrite, and so far as I know he derived no personal advantage from the principles which he espoused. He came of an

RECOLLECTIONS

illustrious line in his home state and traced his genealogy back to General Anthony Wayne, for whom Fort Wayne, Indiana, was named. Maybe it was by reason of the fact that I lived so close to Fort Wayne that somehow, regardless of his opinions, I admired his conduct. There was no shifting for him; no half-hearted advocacy of anything. What he stood for, he stood for. He did not wield the scimitar of Saladin; he had the battle ax of Richard the Lion Hearted and struck down, when he could, all opposition that stood in his way.

I shall not name the senators, for they are warm personal friends of mine, but the story is too good not to be told. When Penrose was proposed for chairman of the Committee on Finance one of these senators went to Senator Knox and said that Penrose must not be elected; that he was distinctly distasteful to the people of his state; that they looked on Penrose as they looked on a rebel brigadier. To this Knox made answer: "Well! A state that would send you and your associate to the Senate will stand for anything!"

Perhaps the wittiest thing I listened to was a speech by Penrose at the conclusion of the discussion on the Underwood-Simmons Tariff Bill; the bill which put wool on the free list but gave a tariff on goats and goat hair. Penrose came into the Chamber with certain works on natural history. He read from them

TEMPERING THE BLAST

showing the relationship that existed between the goat and the sheep; showed from these works that they were of the same family, and wound up by wanting to know why the sheep of the North should be left to the wintry blasts of free trade while the goats of the South were safely housed in a fifteen per cent. tariff!

CHAPTER XXVI

I HOPE the Honorable Peter G. Gerry, of Rhode Island, will not deny this story, because it is one of the pleasing recollections of my life in Washington, whether true or not.

At the time of my entrance into the Senate, he was a representative from the Second District of Rhode Island. In 1914 he was defeated for reelection. One of his official force happened to drop into my office one day and told me what a fool Gerry had been; that for a bare thousand dollars he could have purchased the boss of all the Italians in Providence and secured enough votes for reelection, but that Gerry had refused to spend a single dollar for the corruption of the electorate. Shortly afterward I came into friendly relations with him and believing this story to be true, I thought here was a rich young man who was the soul of honor and who ought to try to serve his country. I suggested to him that he was young, of ample fortune, and that he make the race against Senator Lippitt, in 1916. He said there was no hope of his election. I told him, again, he was young, could afford it, it would keep him before the public eye, and

OUT AND ON AND UP

that an honest man, who believed in the integrity of the ballot, owed it to his state and to his country to make the attempt. He then said if I would come to Rhode Island and speak for him he would try it. I promised. I went to Rhode Island. I do not flatter myself that I had anything to do with his election, but I do flatter myself that I helped to start an honest man along the highways of American politics.

It was while I was in Rhode Island that I listened to one of the most interesting political speeches I have ever heard, made by George F. O'Shaunessy. He was talking in Providence, I believe, when I arrived from Pawtucket. I stood in the wings of the theater and listened to him make this statement: "It is said that the Democrat' party has never done anything for the wealth of this country. Now, all of yez know of Hetty Green. Every one of yez supposed that she lived in the city of New York and was one of the richest people in all America. Well, the other day Hetty Green's soul went out, and on, and up, and lo and behold, when it got on, and out, and up, it was discovered that although she ate and slept and did business in New York, all the time she was livin' in New Hampshire where there was no inheritance tax and the Democrat' party kept passin' a national inheritance tax until the soul of Hetty Green had got out, and on, and up!"

In this campaign so desperate was the attempt to

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beat Gerry that they would not let him enter the manufacturing industries of Rhode Island. At the noon hour, therefore, when the workmen were resting Gerry would get on the outside of the fence and talk, the boys on the other side unable to see, but clearly hearing him. It was a great victory that he won and, in my judgment, deserved from the standpoint of his conduct when a candidate for reelection as representative in Congress.

The man who was known to the people of America as Pitchfork Tillman was in the Senate when I came there. In all the human relations of life, instead of being a pitchfork he was, as a matter of fact, a pillow. Kindly-hearted, well-disposed, entertaining, I believe, no malice or ill-will toward anybody, but ready for a scrap if his peculiar views of government were assailed. He was already in failing health, when somebody convinced him that what is known as the Daily Dozen would prolong his life, and the life of every one else. That the United States Senate is the *omnium gatherum* of everything that can be said and everything that can be done, of all that flashes across the consciousness of the human intellect, I think is disclosed by the fact that with open mouth I gazed one morning down the center aisle while Ben Tillman rose upon the question of health and proceeded to give the United States Senate an exhibition of the various

JEFFERSONIAN PRINCIPLES

gymnastic exercises which he said every man ought to take every morning, in order to preserve his normal strength and to assure him long life.

There was one old-fashioned, sure-enough antebellum Democrat who could keep pace with me pretty well, and he came from the state of South Carolina—Ellison D. Smith. Of an illustrious family, scholar and gentleman, you can not get him to bat an eye or open his voice against any of the original Jeffersonian principles, unless now and then he may bend toward cotton and the cost of getting it into the market.

A fine lawyer was Thomas Sterling, of South Dakota. He came to the Senate from the law school of the State University and, aside from his strong Republican predilections, he had a very clear and comprehensive idea as to the Constitution of the United States.

Equally as great, if not a greater lawyer was John K. Shields, of Tennessee. Coming from the Supreme Bench of his state he brought to the Senate what the Senate will more and more need—a comprehensive knowledge not only of the Constitution but of the principles which lie back of the formation of that Constitution. He was and is a very great lawyer. I know nothing of his successor but am sure, whoever he may be, he will have some difficulty in filling the shoes of Senator Shields.

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Senator Morris Shepherd, of Texas, I think is entitled to the honor of being the original prohibition Democrat of America. Young, zealous, not infrequently eloquent, I think he believed in all of the ancient Jeffersonian doctrines, save and except that he was for the transference of the police powers affecting intoxicating liquors from the several states to the general government. Whether right or wrong, nobody ever doubted that it was his honest conviction or that he had reached the conclusion that theories in the life of a people must inevitably go down in the face of conditions.

In those distant days the present Justice of the Supreme Court of the United States, George Sutherland, was the associate of Senator Reed Smoot, from Utah. He was among the four or five great constitutional lawyers in the Senate. I am writing exclusively from memory and not from notes and, of course, may be in error, but my recollection is that he is about the last senator I ever heard make a serious argument on the constitutionality of a proposed enactment. Much trouble would be avoided in this country if there were more good lawyers who would take the time to examine the constitutionality of proposed legislation. Too often they think that that is the business of the Supreme Court of the United States, when, as a matter of fact, it is first the business of

THE WHITE HOUSE
WASHINGTON

September 23, 1922.

My dear Mr. Marshall:

I am wondering if you would permit me to consider naming you for a member of the Fact-Finding Coal Commission which has been provided for by the Congress. The work is so exceedingly important and the report of the Commission may have such a vital influence on the future industrial life of the Republic that I am very anxious to make it a highly outstanding Commission in its personnel. I believe you would not only enlist public confidence as a member of the Commission, but that you would be able to contribute a very genuine service to your country.

Very truly yours,

A handwritten signature in cursive script, reading "Warren G. Harding". The signature is written in dark ink and is positioned below the typed name.

Hon. Thomas R. Marshall,
Indianapolis, Ind.

Letter from President Harding

UTTER FOLLY

the Congress of the United States to determine whether its proposed laws will override any of the provisions of the Federal Constitution, for when the cause reaches the Supreme Court every presumption is in favor of the action of the Congress. Much of the hullabaloo about the usurpations of the Supreme Court would be quieted in the mind of the people, if careful and painstaking investigation of every proposed Act were made in the Congress and the Congress, itself, would refuse to pass these enactments.

The chairman of the Committee on Appropriations was that great Democrat, Thomas S. Martin, of Virginia. I met no more interesting or unusual character in Washington than he. When the war came on, it was quite amusing to hear him talk about the utter waste of money in which the Government of the United States was indulging, in purchasing bayonets. He said that he had been a cadet in the Virginia Military Institute and had spent some time in the military service of the Confederate States with the battalion of cadets from that institute. He said that it was utter folly to talk about men ever running bayonets into each other; that he knew what he was talking about; that his battalion would fix bayonets and the Union soldiers would fix bayonets, then the order to charge would be given, and they would rush at each

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other, with the bayonets outstretched, until they came within about ten feet of each other; then they would stop. He refused to believe any of the stories that were told about bayoneting in the trenches of France, and he went to his death in the firm conviction that nothing of that kind ever occurred.

There are many little interesting conversations I had with Senator Martin that I should like to tell if it were not for the fact that they would only provoke discussion, accomplish no good and be of no aid to the impartial historian in writing the record of the war. I venture, however, to tell that on one occasion, when he introduced a ten million dollar emergency appropriation for the cantonments of the war and I called him to my desk and asked him if we could not tell within ten millions of dollars how much it cost to build these cantonments, he replied that the appropriation had to be made to pay off night and Sunday labor of men who loafed the rest of the week.

When the record of the war is impartially written it will be found that patriotism was not a condition of life, it was rather a state of mind, and that there were as many laboring men preying on their government as there were rich men begetting war babies. There were men who made as much as the salary of the vice-president of the United States and did not work themselves to death doing it, either. The Indiana

THE BELLE OF THE SENATE

farmer who was in the habit of turning a switch to pump a tank full of water, at twenty dollars a month, and who discovered himself an electrician at eighteen hundred dollars a year, with two thousand dollars back pay, was perfectly justified in becoming a government-ownership-man and in loafing around town, telling the sacrifices he had made in the cause of democracy.

The belle of the Senate was, and I suspect yet is, Senator Claude A. Swanson, of Virginia. Early in life he must have learned the value of a smile and as he progressed along his highly honorable career he added thereto the knowledge of the value of always keeping his temper. He has had a notable and honorable and justly deserved career. He has always been a good Democrat but he has never let his Democracy interfere with his love for Virginia. After all, is not our old-fashioned theory of states' rights wrapped up in the idea that we should look after the rights of our states? I do not know how much Virginia has got, but I do know she has never wanted anything that Swanson has not tried to get it for her. He is the life of the cloak rooms. He has certain mottoes of his own, which though humorous, nevertheless contain a great philosophy. He quotes from Mark Twain and says: "When in doubt, tell the truth." I heard him one day giving a man a bit of misinformation. I

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asked him why he told the man what he did; that what he told him was not true. "Well," he said, "the man would not have asked me if he knew. I did not know, myself; so I told him the first thing that came to my head and, of course, he believed it."

He has a rare philosophy about the courage of United States senators; he says that immediately after their election they roar like lions; they are as free and independent as the czar of all the Russias; they bow their knee to nobody; their conscience is their only guide. In two years' time they begin to listen to suggestions that come from home, although they are very much irritated when those suggestions are not in accord with their own views, and still they remain quite independent. At the end of four years they are yearning to know what the people back home have to say and are quite convinced that the man on the street really knows more about legislation than the man who is occupying a seat in the Senate of the United States, for in two years more they must submit themselves to the great electorate. It is a good thing to have a clean, lovable, competent man, such as Claude Swanson, in the Senate of the United States.

William E. Chilton, of West Virginia, was one of the fine lawyers and fine men of the Senate. Every man has his fad, but Chilton had the most peculiar one I have ever known. His fad was to purchase and

A TOKEN OF APPRECIATION

give away pen-knives to everybody. I am still carrying the gold pen-knife that he gave me, and every time I open it up I think of his kind heart and his splendid public service.

I knew but little of his associate, Senator Nathan Goff, for he was not in the Senate a half dozen times while I was there. He was reputed to be a millionaire and apparently the care of the state did not weigh heavily upon him. He was an able, brilliant, genial and whole-souled man, and I have often wondered, if life would only sit as lightly on the shoulders of everybody else as it did upon his, if we did not bother so much about posterity and laughed a little more at our present generation, whether we might not be just as well off?

The venerable senator was Isaac Stephenson, of Wisconsin. He was then in his seventy-fourth or seventy-fifth year. I rarely came in contact with him, and you may imagine my surprise, when, on leaving the Senate, he called on me and presented me with a beautiful silk umbrella, with a gold band appropriately engraved, as a token of his appreciation of my courteous treatment of him. Now you may think that this amounts to nothing, but to me it meant a great deal. It meant that he thought I was trying to the best of my ability to deal fairly with all senators, regardless of their political affiliations.

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As I write these lines, Senator F. E. Warren, of Wyoming, at the age of eighty has been again re-elected to the Senate of the United States. He has already been thirty-four years a member of that body. He believes to the depths of his soul in the ancient Republican theories, and yet he never permits them to interfere with his kindly intercourse with his fellow-men. He was always kind and gracious to me. He is, as everybody knows, the father of General Pershing's wife. His own second wife is one of the most beautiful and gracious hostesses in the city of Washington, and it affords her infinite pleasure to call General Pershing "son."

CHAPTER XXVII

THE months of the European war dragged on with leaden feet. In the main, blood became thicker than water. The neutral position of the American Government became more and more difficult. People would talk about the war, and notwithstanding all the charges that we were a money-grubbing people, the great majority looked on what they believed to be the offences of the British Government in violation of international law, as less reprehensible than those of the German Government. For the allies turned their attention to property while the German submarine turned its attention to life; and the attitude of the American people slowly was being crystallized into one friendly to the allies. This view was not brought about entirely by ties of blood, although it can not be disputed that the origin of a man's race had much to do with his view concerning the European war.

There is an ancient story told in Indiana, of the good old days when ballots were hawked around the election precincts and votes were purchased with impunity. A somewhat impecunious citizen, with four

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boys, came to the polling place. They stood around most of the day without voting, waiting for the price of ballots to go up. They finally agreed to vote the Democratic ticket for ten dollars. After receiving the money they still delayed, and as the contest waxed warmer the Republicans paid them twenty-five dollars for their votes. Then they voted. On being upbraided for their conduct by the Democrat who had originally bought them the old man replied: "Well, we voted the Democratic ticket anyway." And on being asked how that was, he said that the family, after due consultation, thought they ought to vote the Democratic ticket, it being the "less corrupter" of the two.

In those long war years most of the American people were not discriminating in making up their opinion. They reached the conclusion that the allies were the "less corrupter" of the two, and had a friendly feeling for them. Still, war was abhorrent to the great mass of Americans, and the campaign of 1916 passed off, based largely on the fact that the president had kept us out of war. Nobody is able to trace to him any statement of that kind. Many have charged that he was not acting in good faith. But I have never had any doubt that he was as much a protagonist of peace before as after we entered the war. War was abhorrent to his nature, and while I

BERSERKER MAD

have no means of proving it, nor anything to cite in support of it, still I think all those long and weary months his mind was busy with the hope of finding some loophole through which he might enter as the great pacifier of the conflict in Europe.

Then suddenly the German General Staff went berserker mad. It started in to destroy the world. It seemed to believe that it might defy humanity, and it alarmed, by its ruthlessness, even the most sensible and sober-thinking of American citizens. I well remember having left the Capitol the evening after Big Bertha made her appearance in European warfare. Walking down New Jersey Avenue I saw, a block or two ahead of me, Chief Justice White. He would walk a few steps, take off his hat, look around him and seemingly mutter something to himself. I finally caught up with him, and said: "Mr. Chief Justice, are you overruling *nunc pro tunc* a petition for rehearing that has not yet been filed?" He looked at me with a dazed expression, and said: "Is civilization going down in barbarism? Will not these German guns shoot across the channel, destroy Great Britain and lay the world in ruin? Has all the long, long fight for civilization come to naught?"

I ventured to suggest that even so poor a military expert as myself knew the allies had advanced too far; they could not hold the position, and it was neces-

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sary for them to make a temporary retreat. But I said to him that I could not be convinced that Big Berthas were not just toys of warfare, nor could I be persuaded that in the end an attempt to set up two standards of morals—one for the individual and one for the state—could permanently endure. I told him that so far as I was concerned, deeply regretting the war and sympathizing as I did with all those of German extraction in America, I was quite satisfied that God was in His Heaven and that one on His side was a majority.

I pride myself that I assisted somewhat in calming the mind of the chief justice, and as he walked along with me he resumed his normal attitude. As we came to a flower shop he stopped and bought two roses. One he gave to me for Mrs. Marshall; the other he took home to Mrs. White. I subsequently learned that it was a lifelong habit of his every night to bring to her a single rose.

The submarine warfare grew in intensity during the early months of 1917. I was out making a few speeches in the South, and I think I am the first person who declared that regardless of whether there was a declaration of war, there was a state of war existing between the Government of the United States and the Imperial German Government. For many times in the history of man a state of war has existed

A PACIFIST BLOW

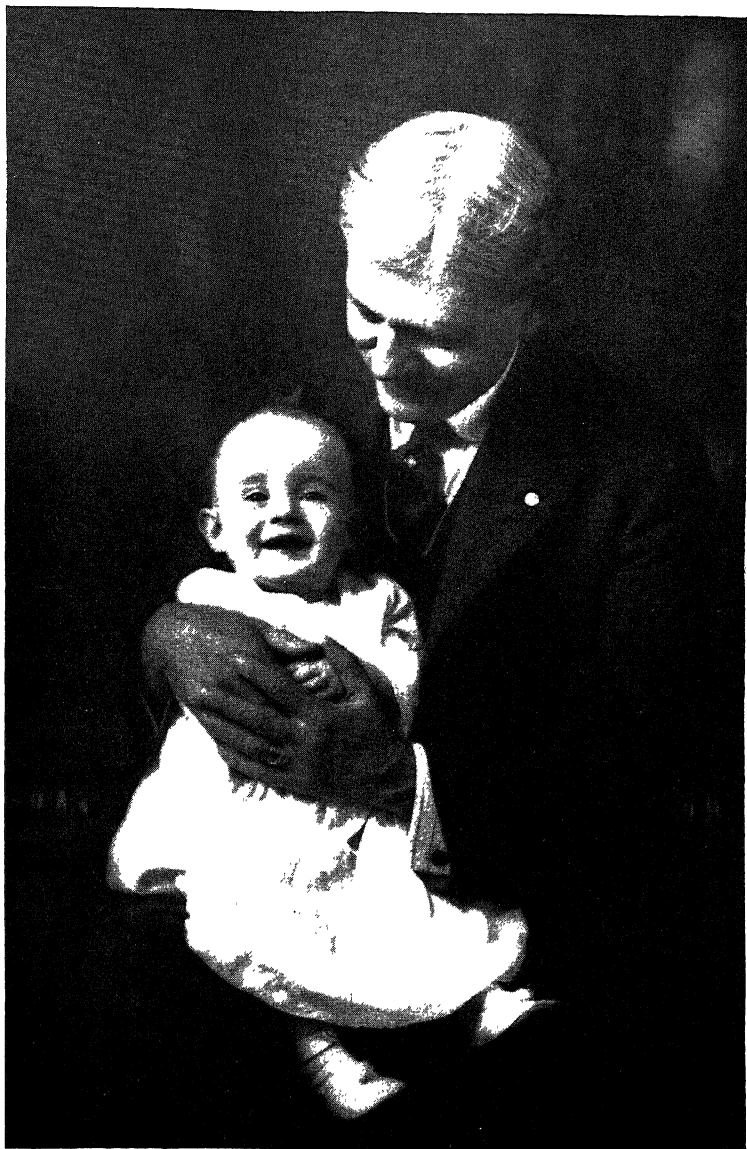
without there having been a declaration thereof. Indeed, it will not be forgotten that war was not declared against either Turkey or Bulgaria by the Government of the United States, although a state of war existed. The declaration was not made, at the instance of the president of the United States, who felt that these Governments might be drawn out of the war, and his judgment was sound. Then came the day when he appeared before the Congress of the United States to deliver what was known as his famous war message. I never had the opportunity to penetrate his inner consciousness, but I felt then as I feel now, that it was the most abhorrent duty he ever performed.

Washington was seething, torn between pacifism and war. A delegation of some ten thousand pacifists came to town. I was compelled to exercise my authority to prevent public speaking from the steps of the Capitol. I was as certain as I was of my own existence that, if permitted, it would lead to riot and tumult. Indeed, the only thing the pacifists ever did was when one of them hit Henry Cabot Lodge. That man was a fair illustration of the pacifist, who always has been and always will be the most unreasonable of men, the greatest autocrat and the fellow who is quickest to resent with a blow any controversy over the opinions that he entertains. Of all hypocritical

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lovers of peace, the pacifist belongs in the thirty-third degree. I, myself, am for peace. I will go as far as any man can in that direction. No person in authority can offer anything for which I will not stand, that seems to promote the peace of society, my country and the world. But I do not conceive that the peace of the world is to be promoted by putting up a sign to all the predatory peoples of the earth: "We will not fight! Come and take what you want!" On the contrary, I think the peace of the world is to be preserved by America being ready to defend her institutions, her citizens and her property, and by showing to the world, as she did in both the Spanish-American and the Great War, that her fight was not a fight for territory or for personal aggrandizement.

At last the declaration of war was made. The solemn instruments which made legal the condition, were all signed, and then we found ourselves, as English-speaking people always do, wholly unprepared for the event. In the beginning it was thought we might safely rely on the embattled farmers to enlist in such numbers as to render conscription unnecessary. But we had no training stations for officers; no cantonments for troops; no military supplies, to speak of; no ships. We were in a war with naked hands. And then I saw the most magnificent spectacle since time began: I saw a great people gird



“He never walked with as sure a certainty as he walked into my heart”

DEVOTION TO COUNTRY

themselves for sacrifice and service. I saw the petty duties of every-day life folded in a napkin and laid away. I saw disappear the common attitude of life—that of carping criticism as to whether your fellow-man has done his full share of the day's work. Nobody can justify the outrageous conduct of some rich and some poor in holding up their government in the hour of her need. On the other hand, everybody must stand amazed at how little criticism there was of this conduct. The great body of the people was not interested in determining what the other fellow was doing—whether he had done his whole duty or not—but it was interested in determining what it could do for the winning of the war. Over night, from peaceful pursuits the nation was turned into an armed camp, and for eighteen months—save the sacrifice which was made by the Man of Galilee upon the cross—no such exhibition of service and sacrifice in the cause of humanity, as the record then made by the American people, adorns the pages of history.

Nobody else seems to have said it, but I am going to whether it is ever read, or not. I make no comparisons between the relative patriotism of our citizens, but I do say that on the average the manufacturers of America disclosed to the world a devotion to country unsurpassed. Under the war powers of the government their factories could have been taken over for

RECOLLECTIONS

war purposes, confiscated without pay in advance. But had they been so taken over the government would have been compelled to prepare them for war purposes, and at the conclusion of the war to have disposed of them as junk. Yet these manufacturers lost all of their private customers, purchased any war machinery that the government suggested, permitted the government to take from fifty to sixty per cent. of the profits of business, and when the Armistice came found themselves without business and with millions in machinery that was not useful in their old trade. And yet since the war the government has haggled with them in making its various settlements. He who serves the people had better serve with the understanding that the only reward he will ever get is the consciousness of having done his duty. Governments are ungrateful and speedily forget the sacrifices of their citizens.

It soon became evident that it would be necessary to have a conscription act; that the more men who were speedily trained and transported across the seas, the quicker would be the end of hostilities. But few sought to avoid service. Though now and then there were those who felt they could serve their government better in some other way than taking a chance of being run through the midriff with a German bayonet.

I well remember one young man who thought they

THE DEFERRED CLASS

could not make castor-oil without his services. On investigation I found that anybody who had castor beans could make castor-oil.

Now and then you ran across a fellow who said he loved his wife more than he loved his country and he preferred to be placed in the deferred class until it became absolutely necessary for him to go.

It did not always stop with those who were married and whose wives depended on them. I remember a conversation I had when two gentlemen informed me that the son of one was to marry the daughter of the other, and asked me if I thought the Conscription Act would pass. On saying that I did, they desired to know how soon. I said: "Maybe in a week; maybe not for several months." Then one suggested to the other that they had better telegraph home and have the wedding moved up, as they understood the act provided for married men being put in the deferred class. I inquired whether the young man had any property, and the father said he had given him a quarter interest in the business on the first of January and his income would probably be ten thousand a year. Wherefore I observed that that would be sufficient to keep his wife, and he would not go in the deferred class. The boy's father then turned to his friend: "Well, I haven't made the papers out yet. Suppose we just let him stay on a salary, at forty

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dollars a month, until the war is over and then I will give him the quarter interest in the store." But to this there was emphatic objection: "No! You make out the papers or he don't get my girl! I take no chances on the end of the war."

Whether this young man survived the conflict or not I do not know.

CHAPTER XXVIII

OUR declaration of war had scarcely been made until the allied and associated powers arranged to send visiting war missions to the United States. We were in the war with no army to speak of, no ammunition, few officers, no aeroplanes, and with but a hazy conception upon the part of the great majority of our people as to what it was all about. While the government was busy arranging to furnish men and munition and evoking a war sentiment, the allies undoubtedly believed that they could contribute to the enthusiasm of our people by sending delegations to express the sentiments of their countries. They undoubtedly were also actuated by the commercial motive of obtaining money and credits at the hands of the government.

In the same month in which war was declared the first of these missions arrived. It came from our sister Republic, France. This delegation was received on the first day of May, 1917, in the Senate of the United States.

Aside from the French ambassador, the two outstanding figures of the commission were Monsieur

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René Viviani, Vice Premier of the Council of Ministers, and Marshal Joffre. The Senate was addressed by Viviani, in French. It was quite interesting to me to watch the countenances of certain senators; observe them shaking their heads in affirmation when to my certain knowledge they knew less of the French tongue than they did of Choctaw. I, myself, nodded and smiled, although what the distinguished gentleman said conveyed to me no more information than a menu card in French, but I could not afford to allow the galleries to imagine that I was not at least High Lingo. It is well known that Viviani was one of the great orators of France, and the translation of his speech, which subsequently was inserted in the *Record*, discloses that fact. Like most of the great orators of the world, he was an intense egotist. Spotlights were made for Viviani, and for nobody else.

But neither the senators nor those in the gallery were particularly interested in Viviani. Their whole attention was given to the fat good-natured marshal of France, who could speak no word of English but who evidently was enjoying the occasion. In the Senate, as elsewhere in Washington (and I assume in the rest of the country), Marshal Joffre was the cynosure of all eyes. So great was the interest he evoked that there were calls for him to make a speech. His re-

THE LANGUAGE OF DIPLOMACY

sponse was: "I do not speak English. *Vivent les Etats-Unis*,"

I never appreciated more in my life the usefulness of the language of diplomacy than I did during the attempt to act as host to this distinguished body of Frenchmen. I, of course, had in the days long ago what is known as college French. I read the language with facility. I even kept up, after I went into the law, my study of it by subscribing for and actually reading a French newspaper. I really imagined that I was a French scholar until one day in court a Frenchman, who could speak no word of English, presented himself as a witness. With that rashness of youth which is quite sure it can do all things, I tendered myself as an interpreter and was duly sworn. After fifteen minutes' vain effort to get the witness to understand my French and for me to understand his replies, it was given up as a bad job, and I was the butt of the humor of the gum-booted lawyers of my bar. This so incensed me that I went home, threw everything French I had into the fire, cancelled my subscription to the newspaper and demanded from that time forward that the head waiter tell me in English what the menu card is all about.

Nearly fifty years passed between that experience and the advent of this French mission, and then I regretted that I had not kept up my struggle with the

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language, although I am satisfied that to be proficient in its enunciation an American must never have his adenoids removed. My experience with Marshal Joffre confirmed my conviction: That it is our duty to compel the use of English in our land. It is not that I conceive English to be the best of all languages, for I realize what a hodgepodge of tongues it is, but because it is the language of our courts, our Constitution, our legislatures, our laws, our great newspapers, our colleges and our universities. It is the one common medium through which we can convey accurately to one another our thought. It is John Stuart Mill, I believe, who has said that most of the quarrels that arise among men are brought about by the fact that the concept of the word in the mind of the man who uses it is radically different from that in the mind of the man who hears it. More and more I discover that I can have trouble enough in one tongue. I do not care to add to my difficulties by attempted conversations through the medium of an interpreter.

I was, of course, deeply interested in the story of how Marshal Joffre held the Marne; how, in the very crucial hours of that fight, he went to sleep and ordered that he be not disturbed unless the enemy reached a certain point. He seemed to me to be the very god of war himself. I imposed upon the good nature of that most gracious lady, Madame Jusserand,

TELL THE VICE-PRESIDENT

to act as interpreter while I held a conversation with him. I had more than an hour's talk. At least I have such confidence in Madame Jusserand that I believe I did, although there was one occasion when I think for courtesy's sake she toned down the answer of the marshal. She told me that the marshal said: "Mr. Vice-President, I think you are mistaken." But from the glitter in the old man's eye I have always believed that he said: "Tell the vice-president he is a liar!" Since I saw that gleam in his eye I am more than ever convinced that one of the ways—the principal way—to unify the American people is to compel the speaking of the English language.

I suppose when the history of the war is definitively written that Marshal Joffre will not stand out as a great military tactician, as will Marshal Foch. It is perhaps because I saw Joffre first that he seemed to appeal to me as a very great military leader.

The French have not only vivacity but they have humor. Long afterward I was permitted to be present on the platform in Indianapolis when Marshal Foch reviewed the procession of those who were maimed across the seas. His itinerary had been laid out to the very minute. There came rushing on to the stage a man from Cincinnati, who saw the marshal's secretary and insisted that the great French warrior should

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come to Cincinnati. It was explained that every hour of his time had been arranged for and that he could not go to Cincinnati. The gentleman from the Queen City, however, was not in the habit of being put down. I never learned his business, but he probably was a realtor. He proceeded to press his request, saying that if the marshal did not come to Cincinnati he would miss most of America that was worth seeing; that President Taft lived there; that the daughter of President Roosevelt had married an honored citizen of Cincinnati; that the Count de Chambrun had married a Cincinnati girl, and that the grave of Commander Galbraith, of the American Legion, was there. He persisted in his entreaties until the marshal's secretary finally said: "Well, there might be some reason why the marshal should go to Cincinnati to lay a wreath upon the tomb of Commander Galbraith, but there is no reason why he should be compelled to visit every city where some rich American girl had concluded to marry an impecunious French count." So the marshal concluded to look at Niagara Falls rather than Cincinnati, and the gentleman from Ohio met perhaps his first Waterloo.

In that same month of May, on the eighth day thereof, the Senate was again convened in recess for the purpose of meeting and greeting the British War Mission. At its head was that great statesman, the

A LOVE FEAST

Right Honorable Arthur James Balfour, Principal British Secretary of State for Foreign Affairs. It contained also the Honorable Sir Erick Drummond, who is now the permanent Secretary of the League of Nations; Rear Admiral Sir Dudley R. S. de Char, of the Navy, and Major General G. T. M. Bridges. The mission was accompanied by the British ambassador, Sir Cecil Arthur Spring-Rice. Perhaps no family in the British Empire has had a longer or more honorable career than the one from which sprang Mr. Balfour.

The reception of the French mission, while, of course, graced with logic and reason, was nevertheless a reception in which the sentiments of the heart predominated. It was an occasion of feeling and emotion. It brought back involuntarily to the minds of most of us that wavering Continental line which for seven long years resisted the oppressions of King George, demanding and finally receiving its rights. It saw coming to the support of that feeble Continental army the Marquis de Lafayette, Count de Rochambeau and the favor and friendship of the French people. Here, for the first time, on American soil, there was an opportunity for the representatives of the people to express their love and gratitude to France and to Frenchmen. It was to my mind a genuine, old-fashioned love feast.

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The bitterness and animosity engendered by the Revolutionary fight had long since disappeared from the thoughts and minds of well-read Americans, so that when Mr. Balfour and his delegation appeared it was not a hostile or a cold reception they received. On the contrary, it was a warm and intelligent one. It was, however, largely a reception of the brain. It was to hear a man who stood for manly things speak in a manly and logical way about the real issues involved in the war. It was to be a cold, calm and deliberative presentation of the ties which bound together in the great conflict men of English-speaking tongue. While there was real and genuine warmth, it was produced more by the wisdom of what Mr. Balfour said than it was by any individual sentiment of regard which the average American had for the average Britisher. But that it did much to bind more closely together those who spoke the English tongue I am quite convinced. The same difference of reception was observable in the social life of Washington. All ardor, all zeal, all affection for the French; friendship, good will, but intelligent discussion of the great problems involved, as far as the British commissioners were concerned.

On the thirty-first day of that same month of May the Italian War Mission was also received in the Senate of the United States. It had at its head his



Mr. and Mrs. Marshall and "the boy"

A LOVABLE PRINCE

Royal Highness, Ferdinando di Savoie, Prince of Udine; His Excellency, Marquis Luigi Barsorrelli di Rifreddo, Under Secretary of State for Foreign Affairs, and the Honorable Francisco Saverio Nitti, member of the Chamber of Deputies. This latter gentleman loomed largely in the conference held at the close of the war, in Paris, and is even still prominent in the affairs of Italy.

To my mind the Italian prince was the most interesting personality that appeared in the Senate of the United States among these war missions. Under thirty years of age, a fine specimen of the House of Savoie, he delivered, to my mind, the best speech that was made by any of the visiting delegations. Charming and gracious in manner, he disclosed what it is hard to make many people believe—that a man may be born to the purple and yet have in his views all the kindly instincts of democracy. He was not, however, a popular forensic idol as was Viviani, nor a great and profound statesman such as Balfour. He was just a lovable offspring of that best beloved House in Europe, the House of Savoie. And so, although his mission was a serious one, after he had made his great speech in the Senate, he turned over the serious part of it to his staff and devoted himself, as youth will, to pleasure. Nor is it a surprise, after all the sufferings his people had endured, that when he got

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to a land where there were no evidences of war, misery and suffering, that he should take a day off and have a good time. He became intensely popular socially; yet he had a sad end to his career as an *arbiter elegantiarum*. He danced with one of the Washington rosebuds who had not recovered from the measles. Whether she gave the prince a heart-throb or not I can not say, but she gave him the measles, and so his American career ended in a sick room.

On the twenty-sixth of June came the Russian War Mission, headed by the new ambassador extraordinary, Boris A. Bakhmetiff, with a large number of distinguished Russians who were then representing the Kerensky government. It is a singular coincidence that this ambassador bore the same name as the former ambassador of the czar. This former Ambassador Bakhmetiff married an American girl, a sister of Mrs. John R. McLean. They are living in exile, and I hope happily, in the city of Paris.

Why I make my friendships as I do, heaven alone can answer, and as it is not worth while, no answer will ever be given. The old ambassador was a staunch defender of the right of royal blood to rule. He was an aristocrat of the aristocrats. He believed in birth, breeding and race. Yet in the days in which I associated with him there grew up, what was on my part and what I have since learned was on his also, a

A CHEERFUL IDIOT

very great friendship. For aught I know it was brought about by the fact that he had the best cigars in Washington and that I enjoyed them more than any man in the city. A dinner at the old embassy was an event in the lifetime of any man who was ever honored by an invitation. A timid soul would have thought when entering the magnificent Embassy Building that he was perhaps being haled to his death by a Cossack chieftain of the sixteenth century. All the flunkies were more than six feet tall. As they waited at table they wore their swords at their sides. There was all the splendor of a barbaric court with all the courtliness and kind-heartedness of modern days. However much Bakhmeteff may have been mistaken in his outlook on life, he and his wife left a distinct void in the social life of Washington when, by the debacle of Russia, they were compelled to quit their official position. Some time I hope to have the honor of calling on them in Paris. Prior to his departure from Washington and after the new ambassador with the same name, from the new government, had arrived, one of those cheerful idiots who now and then find their way into Washington society asked him whether he was a relative of the new ambassador, which was much like asking George Washington whether he was a brother-in-law to Benedict Arnold. The old ambassador said he was. This was not

RECOLLECTIONS

enough for the cheerful idiot in pursuit of genealogy, so he proceeded to follow it with the question: "Well, how are you related to him?" To this the old ambassador said: "Bear the same relationship to him that George Washington does to Booker T."

The new ambassador was a scholar and a gentleman. He made a very great speech in the Senate; evidently realized the condition of his government, and was even then in fear that Russia was not educated up to the point of a democracy. Unfortunately, his government soon fell and he was left in Washington like Mahomet's coffin—he was neither in nor out of office. A man with a great brain; with culture and education; if Russia had only left him and his government alone, the record might have been far different.

On the twenty-second of June, in that same year, there came to us the Belgian War Mission. At its head was Baron Moncheur, Chief of the Political Power of the Belgian Foreign Office at Havre, and other distinguished gentlemen. They came under the escort of de Cartier de Marchienne, the Belgian Minister. Cartier, as he is familiarly known in Washington, has long been a bright and particular star in the diplomatic constellation. A gentleman and a scholar, he has made friends, not for diplomatic reasons but because the very nature of the man has

EDUCATION BY DEGREES

deserved them. He has, too, what I call a rare sense of humor. He and I appeared on the same platform at the commencement of Villa Nova College. Upon him was conferred the degree of Doctor of Laws and upon myself the degree of Doctor of Jurisprudence. This latter degree I prize above all others by reason of the fact that up to that time the degree had never been conferred save upon three persons—Grover Cleveland, William Howard Taft, and Justice George Gray. At the conclusion of the ceremonies, when we were returning to Washington, Cartier said to me: "I am getting my education by degrees." I make this public confession and acknowledgment to him now for this bit of humor which I have passed off as original, as I have gone around the country since that time, gathering up honorary degrees.

The appearance of this delegation was distinctly different from the others. At least it seemed so to me. I do not know whether there is anything in mental telepathy, but I felt at the time as though it were the appearance of men who had waded through all the horrors of hell, had viewed death in every form and who expected any moment to be themselves removed from the scene of active life. It was an occasion in which I seemed to hear the voices whispering: "Be of good cheer. The night is breaking and day will dawn for you once again." Little

RECOLLECTIONS

nation, the cockpit of Europe, unconquered even by great Cæsar himself, fighting through the centuries for the maintenance of her independence, she took the post of duty, which is always the post of honor, in the great World War.

When impartial history shall be written, he who writes it will dip his pen in truth and say that of all the nations since time began, that which made the greatest sacrifice in defense of honor and the rights of man, is little Belgium.

To me the high and mighty have never appealed more than the lowly of the land. I was deeply interested in the appearance of the missions from Western Europe and intensely watchful of what their representatives would say was their real purpose in visiting the United States and in carrying on the war. But I was particularly struck with the Serbian mission when it came into the Senate on the fifth of January, 1918. Here was something far different, a delegation from the Near East, composed of gentlemen who had made their mark in the affairs of the world. I shall not attempt to insert the names for they look strange and sound strange to American ears, but the head of the delegation was Doctor Milenko R. Vesnitch. He represented a people that, for more than five hundred years, had engaged in mortal combat with both Austria and Turkey; a people that had written in the blood

FROM THE SLOUGH OF SLAVERY

of their sons upon the greensward of every mountain-side and every valley of the Balkans, the immortal cry of Patrick Henry: "Give us liberty or give us death."

It is too long to quote; I know nothing about music and so can not speak as to the melody of it, but I know something about poetry and its soul stirring qualities. I venture, therefore, to quote just one verse of the Serbian National Hymn:

"On our sepulchre of ages
Breaks the Resurrection Morn,
From the slough of direct slavery
Serbia anew is born;
Through five hundred years of durance
We have knelt before Thy face;
All our kin, Oh God, deliver—
Thus entreats the Serbian Race."

It was a remarkably intelligent and educated body of men, this Serbian Mission. The address of Doctor Vesnitch ranked with the best delivered by the delegations. The long, long retreat which the Army of the People made to the Adriatic, will remain in history along with the Three Hundred at Thermopylæ; the Charge of the Light Brigade at Balaklava; the Retreat of the Ten Thousand under Xenophon; the agony of Washington at Valley Forge. It was a never-ending sacrificial ceremony in the cause of the right of a people to rule and govern themselves. With

RECOLLECTIONS

the delegation, as I remember his name, was General Rachitch, who was in that awful retreat. He had more than twenty scars upon his body resulting from the bursting of a bomb. He had lost one leg, one arm, and had left, on the remaining hand, only the thumb and little finger. Yet with these he lighted a cigarette, and I am not sure that he did not dine with greater ease than I did with two hands and ten fingers.

The long, long fight of these people for self-government ought, by this time, to have impressed the world with the truth of the statement that an alien rule may not long be imposed upon a people who love liberty.

CHAPTER XXIX

THE war dragged its slow and weary length along. More and ever more the forces of America got behind the president of the United States for the winning of the cause in which he was engaged. Service and sacrifice were the rule everywhere; self-interest and self-seeking were the startling exceptions. Nobody thought to inquire what it was costing. A man would have as soon bickered with the physician as to his fee when his wife's life was in imminent danger, as to have thought of bickering about the cost of anything that would contribute to the desired result. Everywhere the people were looking to the president in the hope that he might be the means of bringing to an end this world catastrophe.

It did come to an end at last; partly, of course, by arms and munitions and military strategy, but a large factor in bringing it to a close was the confidence of the world in the desire of the president to have the contending forces come to an armistice, to bring about a peace without victory. So overwhelming was his influence in the councils of the world, that at last the glad dawn of Armistice Day showed on a war-weary and war-wrecked world. I have no inten-

RECOLLECTIONS

tion of contributing anything to the controversies which immediately took place. How much was patriotism, how much intelligent criticism and how much resentment of his famous letter written just preceding the election of 1918, asking for a Democratic Congress, no one but a seer would even venture to suggest. There has been a great deal of controversy as to how it happened to be written. I know he wrote it himself, and nobody was responsible for it save himself.

In the spring of 1918 I was called on to open the Democratic State Convention, at Indianapolis. In accordance with my custom of taking orders from my chief, I called on the president and appraised him of this fact. I said I desired to consult him whether I should not make a speech announcing that the only question before the American people was winning the war and standing behind the president. Should I not propose that both Democrats and Republicans nominate men pledged to these two objects and let the people make a choice between them, promising that in the event the war closed prior to the expiration of their terms of office, they would resign and go back to the people on local issues. I also suggested proposing to the Republican party to close up all political headquarters and to expend the money saved thereby in Red Cross and other war activities.

To this he answered that it would not do; that he

A ROCKY ROAD

expected to issue a call shortly before the election, for a Democratic Congress, and had no doubt that the people would give it to him because they had refused him nothing so far. I then said: "Is it your desire for me to make an old-fashioned Democratic speech at the convention." He said: "Yes." I told him he was my commander-in-chief, and his orders would be obeyed. If there is a record of that speech I think it will be found Democratic. But to one who was quite heartily in accord with the purposes and aims of the president, it was perfectly apparent from the time of the issuance of that letter that he had a rocky road to travel and that the definite end was not in sight. He sailed for Paris with the open or the covert criticism of most of those who had loomed large in the conduct of the war.

I have sometimes thought that great men are the bane of civilization; that they are the real cause of all the bitterness and contention which amounts to anything in the world. Pride of opinion and pride of authorship, and jealousy of the opinion and authorship of others wreck many a fair hope. I saw the time when the president had the Republican party in the Senate so split as to be, himself, in absolute control and domination of American affairs. I saw this split knit together with bands of steel, by the letter he wrote preceding the election of 1918.

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I was with the president in his aims and purposes. I trust I was loyal; at least it was my intention to be so, but I can not see how good can come to either his memory or to the world, by attempting an analysis of the opposition which arose to his policies. And when he returned, in February of 1919, with the first draft of the Covenant of the League of Nations, he was presented with a round robin from a sufficient number of Republican senators to insure its defeat, notifying him that they would have nothing to do with it if he attempted to insert it into the Treaty of Peace. To this he very promptly replied that he would make it the backbone of the Treaty of Peace and that they would have to take it.

The long and weary months of discussion over the Treaty, after he returned in June and laid it before the Senate, was to my mind simply a waste of raw material. There never was a moment when those who had said they would not stand for the League of Nations could have been induced, under any circumstances, to vote for the ratification of the Treaty. No difference what the effect might be upon the world; no difference how public opinion may have changed; no difference what new light they had upon the subject, they had said they would not stand for it, and they did not. It was pride of opinion, as I saw it.



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“Glad to be out of politics”—August, 1922

GOING HOME EARLY

There are those who have upbraided the president because he manifested no disposition to accept any reservations to the Treaty. On the other side of this question it may be stated that nobody knows whether he would have accepted them or not, because the Senate of the United States never got itself to the point of tendering a ratification with any reservations whatever.

With my fixed opinion that nothing would be done, I hope I may have some credit for having presided over the deliberations of the Senate. I had, myself, always been a strict constructionist of the Constitution. I had also been more or less of a lawyer. One of the principles of the law which had stayed with me, was to the effect that if an agent exceeded his authority his principle was not bound thereby. I, therefore, had no doubt that the ratification of the Treaty and the entrance of our country into the League of Nations could in no wise militate against the best interests of the American people.

I was not at all proud of our conduct over there, after the war. It reminded me of a man going to the relief of his neighbor who was being assaulted by a burglar. After he had assisted in throwing the burglar out of the house, although his neighbor was wounded and in sore stress, he picks up his hat, says good night and goes home.

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I really never wanted a permanent alliance with the peoples of Europe but I felt it was our duty to join in this most altruistic idea of the president for the furtherance of world peace and to stay until Europe had been restored to normality. Every country that sat at the table at Versailles well knew that the president and the Senate could not pledge the American people to make war. That was the business of the Congress of the United States. The Treaty did not bind the American people legally to make war, nor did it bind them morally, because the other countries knew the limitations of authority which rested with the president and the Senate. In addition to this, treaties from the beginning have been abrogated by the Congress of the United States, and this Treaty might have been abrogated in fifteen minutes if there were ever any attempt on the part of any other nation of the earth to do anything that was not to the best interests of the American people. I was always with the president in his insistence that Article X was the heart of the covenant.

There are those lovely and altruistic souls who dream that force has left the world forever, but I am not among the number. The decrees of courts are obeyed because there is knowledge that if needful the full force of the state will be put behind them, and the decrees of the League of Nations will not be of

FALLEN AMONG THIEVES

compelling force against a power of any moment, unless it has force back of the decree. The millennium is not yet here. The world has been made safe for democracy but democracy has not yet been made safe for the world. It is idle to speculate about what might have happened had we entered the League of Nations. Much good has been accomplished by it, but a thoughtful man will pause before he says of a certainty that the kings and emperors have not been succeeded by autocrats.

No man ever had a firmer faith in the good intentions of the people, than had Woodrow Wilson. His confidence in them is deserving of all praise. But, alas, he did not know the petty meanness of mankind and so,—although worn by the nerve rack of the war and that larger nerve rack at Paris where, as it seems to me, he went down from Jerusalem to Jericho and fell among thieves—his faith in the people still being supreme, he took his life in his hands in an effort to appeal from Philip drunk to Philip sober. It was too much for mere humanity. He broke under the strain and for nearly eighteen months was a physical wreck. It is of no moment whether you were for or against the League of Nations; whether you were with him or against him; whether you loved him or hated him; you take off your hat to him for his courage, for his persistence in what he believed to be his line of duty.

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Those were not pleasant months for me. The standing joke of the country is that the only business of the vice-president is to ring the White House bell every morning and ask what is the state of health of the president. If there were a soul so lost to humanity as to have desired his death, I was not that soul. I hoped that he might acquire his wonted health. I was afraid to ask about it, for fear some censorious soul would accuse me of a longing for his place. I never have wanted his shoes. Peace, friendship and good will have ever been more to me than place or pomp or power.

During those lamentable months I was called on, with Mrs. Marshall, to act as the official host of the Republic in the president's stead. No one had ever received such an ovation on European soil as had been tendered him; so they began their return visits and I was left to welcome and entertain them as best I could.

I found myself by custom bound to preside at the official dinner tendered to the King and Queen of the Belgians. The fortunes of finance had necessitated our living at a hotel in Washington. On inquiry as to the niceties of the occasion we were informed that the dinner could not be given at the hotel; that a king never thought of entering a public place of entertainment. I was at my wits' end to know what to do when, fortunately for me, one of the most patriotic and char-

A KING'S FRIEND

itably disposed women in all America came to my assistance.

The late Thomas F. Walsh, many times a mining millionaire, from the city of Denver, had in his lifetime built a palace on Massachusetts Avenue. He had been on friendly and intimate terms with King Leopold, of Belgium. He built his house under the promise that King Leopold would some time visit the United States and be his guest. But Leopold passed to his fathers and Walsh passed to his reward, leaving this magnificent place in the possession of his wife. From the day of his death, the front doors had never been opened.

During the long months of the war Mrs. Walsh had discharged all of her servants and installed knitting machines in the house; had filled it with working people, at her own expense; had cut and made garments for the poor and needy children of Belgium, Poland, France—of all Europe. She not only cheerfully paid her enormous income tax but devoted practically all the rest of her income to the good of suffering humanity. It will take a long, long while for anybody to convince me that there is not as much patriotism, kind-heartedness and charity among many of the rich, as there is among the poor.

When she found out my dilemma she offered her house for the official dinner. It was perhaps the most

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notable occasion ever had in Washington. The front doors were thrown open and all the higher officials of every department were present. At its conclusion we witnessed the beautiful ceremony wherein the Queen of the Belgians decorated Mrs. Walsh for the services which she had performed in the interests of the stricken children of Belgium.

Albert of Belgium was, of course, a great sight to Washington and to America. Again the world had proof that it is the heart of man and not his position, that marks his status. So thoroughly democratic was he, that I have always wished we might have kept him in America and run him for president on the Democratic ticket. I am much inclined to think he would have got more votes than any man who belonged to the party.

There was an incident connected with his visit that always amused me. The magnificent home of Breckenridge Long, third assistant Secretary of State, was turned over for the king's residence while he was in Washington. A large delegation met him at the train, escorted him and the queen and the Prince of Brabant, with the rest of his suit, to the Long home. In accordance with custom I saw him to his bedroom, while Mrs. Marshall performed like services for the queen. The next morning the king arose early and started out on his own accord to see the city.

ONE OF THESE LICKSPITTLES

Having earlier in life been a newspaper reporter in America, he spoke our language to perfection. It greatly pleased him to meet, shake hands and talk with everybody. The divinity that hedged this king about was the divinity of duty nobly done. America is not free, by any manner of means, from Pecksniffs and yellow plushers. We still have those ignorant souls who kow-tow to authority and place. On one occasion, therefore, it became necessary for me to present to the king one of these lickspittles. He threw himself back like a twenty-five dollar chautauqua lecturer and said: "Long may your majesty live to rule over Belgium!" Quick as a flash of lightning, the answer came from the King: "Sir, I shall rule over the Belgians so long as they desire me to and not one moment longer. This is not the time for men to seek to impose their rule upon their fellow-men." It was a vocal demonstration of the ideals of Woodrow Wilson.

Queen Elizabeth was what we would denominate in America, an old-fashioned mother. She dressed modestly, and her gowns might have been made by a local dressmaker in any of the small towns of Indiana. While not at all critical, she expressed her surprise at American styles, saying they were copied after the worst of France. She told Mrs. Marshall that she was glad her daughter was young, and so did not

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notice the modern style of dress. On Mrs. Marshall expressing the opinion that her daughter, even if she observed, would probably not go to the extreme, the queen shook her head, and said: "Nobody knows what children may do in this age." In the course of a conversation which I had with her she gave me a new idea of patriotism, which based itself upon country and the traditions of the land. She told me that her husband and her brother had faced each other on the forefront of the war for more than four years, but that there was never a moment of the four years in which she did not want her husband to win and her brother to lose.

From that time forward I have had but little patience with any man of any race or any creed, who is not with our country in the hour of war. Regardless of the issues involved, our duty is loyalty to our country. As I thought of what this noble woman said, and recalled my boyhood days when people of my own blood were shooting at each other from the northern and southern sides of the Civil War, I have had less patience for those whose bodies are in America but whose hearts are in Europe.

The Prince of Brabant was a delightfully modest, unassuming and kind-hearted young man. Although born in the atmosphere of courts and courtiers, he was far more self-conscious than I, a Hoosier, born

THE ROYAL TASTE

in the gum-boot district of northern Indiana. If monarchy shall endure and in due season he shall come to the throne of Belgium, justice and moderation will mark his rule.

The king, for the first time in his life, was made acquainted with salted peanuts. They seemed to please the royal taste, and he proceeded to eat not only his own, but all that were within reach. When he left the country, I am told that Secretary Lansing presented him with ten pounds.

The difficulty of knowing just the proper thing to do was rendered much less arduous by the uniform kindness of the Belgian ambassador, de Cartier. I have never been able to furnish myself an explanation for the kindnesses I have received from men, in whatever station of life they happen to be. Before and during and after the war, these Belgians were good to me. I am, of course, a protagonist for the theory of democracy and for its practise when honestly carried out, but I know of no democrat in the world who exceeds, in kindness of heart, in judicial temperament and in the good outlook for his people, the king of the Belgians; and no woman, the world around, whether with a crown on her head or, like the Roman Cornelia, with her jewels gathered about her knees, has ever set a finer example to womanhood, than the queen. I do not, of course, believe in the divine right of kings

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to rule, but I take my hat off in love and veneration for a king who has ruled divinely right.

Of course, the king and queen were taken to Mount Vernon, and there he laid a wreath on the tomb of Washington. He was not exempt from making a minute inspection of the trousers, knives and forks and the various other things that belonged to the Father of our Country. The queen disappeared just as the king was ready to start back to Washington, and he asked me where she was. I told him I did not know, but I thought possibly she was inspecting the pickles that Martha Washington had preserved, and maybe would be presented with a bottle.

On his going aboard the *Mayflower* I heard a gentleman ask him to make him an honorary colonel in the Belgian Army, and presented the king with his card. I was deeply chagrined at this manifestation of American nerve and proceeded, in my best Hoosier, to apologize and to beg the king not to think that all Americans had that much impudence. He laughed and said: "You are mistaken about that being an American trait; it is a world-wide trait. I could no more make the gentleman a colonel in the Belgian Army than I could make him the Pope of Rome, but why tell him so? Let him dream over the honors he thinks may come to him."

CHAPTER XXX

AND then came notice of the intended visit of the Prince of Wales. And then my troubles began! To receive and welcome and to be hospitable to a king of mature years, whose wife accompanied him, was mere child's play to acting as host for an upstanding, unmarried young fellow. Throughout all the years of my life, as I had read history from King David down, I had not been much impressed with the conduct of royal families. But after I finished my experiences with the Prince of Wales I am ready to go on record and say that I am amazed at the restraint which these so-called blue bloods put upon their personal conduct.

It was no sooner definitely settled that the Prince was to visit us, than every foolish mother of a fool daughter, who could raise the necessary railroad fare, started for Washington. Beauty parlors put on aristocratic airs, and one of the common herd was unable to get a shampoo. Everybody was being dolled up to meet the prince. Maybe if Maybelle could just get to dance with him and could cotton up close enough, he would throw aside all the traditions and would take her unto himself as a lawfully wedded wife! These

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were days wherein democracy had come to her own. And how much more securely, in the years to come, would the Royal House of England sit, in the seats of the mighty, if this young man would just marry Maybelle, out of the common herd of American tuft-hunters. Well, they were bad enough but they were no worse than older ones.

Somewhere in Virginia there was an ancient lady who more than sixty years before had danced with the prince's grandfather when he visited America. Although she might have discharged all her duties to her country, her family and her God, she was not yet ready to seek repose in the tomb until she had met and, if possible, danced with this newer Prince of Wales. I was importuned to procure this favor for her. Of course, I had neither right to ask it nor power to secure it. I was then waited on by a delegation of her friends renewing the insistence that I arrange a meeting with the prince. Again I was compelled to explain that his private interviews were all his own. Efforts at the British Embassy to secure this favor failed, but the dear soul was not to be thwarted. She got him when he went to Mount Vernon to lay a wreath on the casket of George Washington. Democracy has its triumphs as well as any other system of government. Additional telephone girls and stenographers were required to answer and refuse all sorts of requests.

THE WHITE HOUSE
WASHINGTON

June 1, 1925.

My dear Mrs. Marshall:

Just this moment the shocking intelligence has come to me of the death of your distinguished husband, and I hasten to express to you not only my deep sympathy and condolences, but the real sense of personal loss. Mr. Marshall's long and notable public service, both in Indiana, and as Vice President for eight years, had won for him recognition for high character and exceptional abilities. Beyond this, and something that he would have prized even more dearly, he had drawn to himself a truly remarkable power of friends and friendships extending to every part of the nation, and beyond it. His delightful fund of humor illuminated a philosophy of life and affairs that had made for him a unique place among public men. He leaves a place that there is none to occupy.

Mrs. Coolidge joins in my expression of sorrow and sympathy to you and yours in this time of your bereavement.

Most sincerely yours,

Calvin Coolidge

Mrs. Thomas Riley Marshall,
The New Willard Hotel,
Washington, D. C.

Letter of condolence from President Coolidge to Mrs. Marshall

EAT HIM ALIVE

The prince is a fine, upstanding, democratic young man. It would take a great deal to convince me that his motives in life are not all right. I know him to be high-minded and desirous of doing the right thing, but I think he won for me more personal enemies than all the conflicts put together, which I ever waged on the political battle-fields of America. There were times when, if I could, I would have taken him out on the mall, summoned all those who were seeking, importuning and demanding all sorts of things at his hand, and said to them: "Go to it, now! Rend him in pieces! Eat him alive! If, perchance, there is a bone of his body unbroken when you get through I will see that it is sent home, accompanied by an American war-ship!"

When he went to Hot Springs for the purpose of getting a little rest over Sunday, a Pullman car of prospective wives and mothers-in-law trailed him to that resort. Men have been married for every reason under the sun. They have taken wives for love; for advancement in position; for revenge upon somebody else; to satisfy their parents—the whole amount of possible reasons has been run in the marriage game. But if I were a prince of any royal blood, before I came to America I would marry in self-defense, and I would bring my wife along and hold her in front of me, lest the theory might creep out into the ranks of

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these democratic plutocrats that in accordance with the laws of our royal family, polygamy was looked on as eminently proper.

Through all the days the prince conducted himself with the utmost cordiality and good humor. He had no difficulty in playing the democrat. Our difficulty was in avoiding the appearance of being mere courtiers gathered around the throne. He had also a fine sense of justice and fair dealing. When the reception in his honor was given in the Congressional Library, not half the invited guests had passed him by at the hour of midnight. One of his staff touched him on the shoulder: "Your Royal Highness, this is too much for you. Take the arm of the vice-president; walk down the line, bowing to the people, and go to your rest." His answer was: "No. These people came here to grasp me by the hand, and I will stay here if it takes till morning."

It was during his visit that I gained what was to me a new and marvelous insight into life. I had long mulled over that passage of Scripture which announces: "Except ye become as little children ye shall in no wise enter into the Kingdom of Heaven." Mrs. Marshall, unfortunately, was ill and unable to attend the public functions given in the prince's honor. With that courtesy which has marked his whole life, he did her the honor of calling on her.

IS IT WELL WITH THE CHILD

Just as we entered the war Mrs. Marshall had found a sickly little boy and brought him home with her. With that brutality which marks the man, I had said to her that she might keep him, provided he did not squall under my feet. He grew out of his crib; but he never walked with as sure a certainty on the streets of Washington, as he walked into my heart. Beautiful as an angel; brilliant beyond his years; lovable from every standpoint, he came to be the sun and center of Mrs. Marshall's life and of mine. Never were we away from him, sick baby that he was, a single day without a message coming to tell us of his health. There was but one unending cry through all the days, and but one continuous dream of the nights: "Is it well with the child?" He stayed with us until he was three years and a half old and then one morning, as the sun came up, his soul took flight upon the wings of light, into a land where there is no shadow.

"I know not where His islands lift
Their fronded palms in air;
I only know the boy can't drift
Beyond His love and care."

I have only hope and faith that there is a land of pure delight, which we call Heaven. I know not where it is, but this I do know—he is there! And I shall never see the glory of another and a fairer world, un-

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til I see his curly locks again and hear the music of his voice amid the angelic choir.

His going out from all our love and care into the infinite love and care of the Great Ruler, meant not the loss to us of faith and hope, but it did mean there is no further care for what the world can give or what the world can take away. I seem to be voiceless; language fails to come that it may tell how one little child led us wherever he would, and when he dropped our hands, he left nothing to be desired save holding fast to faith.

Well, when the prince came this little fellow toddled in and looking with the eye of trust and confidence into his eye, he said: "Who are you?" Then I knew that the faith and trust of childhood are as essential to democracy as they are to entrance into the Kingdom of Heaven. When all mysteries were solved, all doubts removed, then I knew that what we each should look for in each other, ask for at the hands of each other, receive out of the lives of each other, were friendship and good will. Pomp and place and circumstance crumble into dust before friendship and good will. It glorified this heir to the throne of Great Britain; it raised to kingship this little child from a humble American home.

Of course, like their Majesties of Belgium, the prince was taken to Mount Vernon, and he insisted,

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with the wind blowing fifty miles an hour, on going in an open car. His reason was that some woman had sent him a bouquet and that she had said she and her husband would be along the road to greet him. I did not dare rail at royalty, but that was one of the mornings when I regretted my prohibition tendencies. I wished I were drunk enough to forget the state of the weather. But I let my temper warm up to a point where it kept my body in fair condition, and away we went! Sure enough, about half-way to Mount Vernon there was the woman with her husband. The prince stopped, got out and discovered that the man had been a member of his regiment in France. I lost all my irritation when I saw the genuine good will with which he greeted one of the privates in his regiment.

He is not large enough to be a middle-weight champion, but custom required that he should carry up the incline an immense wreath and place it at the tomb of Washington. I was unable to tell whether he was perspiring or crying, but he was doing one or the other, and I have felt ever since that occasion that he paid, in so far as posterity can pay, for all the grievances the American people ever had against his ancestor, George III.

There perhaps will never come a time in the history of the world when nations will forget their grievances, but there surely ought to come a time in

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which they are willing to forgive them and to make a fresh start. The man who speaks the English tongue is a man who will fight for his rights, if need be, but at the same time he is a man who prefers not to fight; who believes in the rule of reason; who is quite convinced that the pen is mightier than the sword; who is willing to go to great lengths in order to adjust difficulties without an appeal to arms. It is to be hoped that the whole world will come into a knowledge of the fine principles of arbitration and adjustment by reason, rather than by force. Long ago we found out that the honorable man did not always escape unscathed from the duel. Ofttimes it happened that the man who was right died, and the man who was wrong survived. What we have found out as individuals, may we not hope will permeate all society and become the rule of international law? And might not a very great impetus be given to the peace of the world if we should forget the past and strive to promote good feeling among all those nations and independent colonies where the English language is spoken? I am quite sure that the present Prince of Wales, while he would not apologize for the conduct of George III, would not take up arms in defense of that conduct. We never got anywhere toward the rehabilitation of the American people after the Civil War, so long as we kept up the controversy, demanding that the men

LET US SERVE THE SALAD

of the South should admit the error of their ways and repent in sackcloth and ashes for their conduct. It was only when we permitted them to retain their loyalty to the principles which actuated them in 'sixty-one and 'sixty-five; suffered them to keep silent about them and turn their attention to the newer duties of the newer day, that we began to see the Mason and Dixon Line obliterated. I have lived until, in the language of Bob Taylor: "I see that line marking nothing save the difference between cold bread and hot biscuits."

I fear I can not make this salad better by adding more ingredients. I prefer to watch its being served just as it is, and to take note of how the consumers like it.

I have not touched upon controversial questions for they would have made it too sour; and I dared not speak of my intimate relations of life and the friends that I have grappled to my heart with hooks of steel lest it should have been so sweet as to be nauseating.

THE END

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